

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

May 16, 2019, 6:30 PM
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. Oath of Office provided to elected City Council Members: Steve Hartpence, Laura Koerner, and Snehal Patel.
- B. Citizens to be heard.

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 May 2, 2019 Regular City Council Meeting Minutes. Pgs. 3-5
- B. Approval of the Second Reading of an Ordinance regarding Fiscal Year 18-19 Budget Amendments. Pgs. 6-11
- C. Ratification of Bexar Appraisal Districts' waiver of penalty and interest for property tax account No. 04709-300-4430. Pgs. 12-17

IV. PUBLIC HEARING

- A. Conduct a public hearing and consider possible action approving the final replat and subdivision plat that establishes HPI Fair Oaks Self Storage. Pgs. 18-22
 - 1. Mayor opens the public hearing
 - 2. Staff presentation of the proposed replat application
 - 3. Applicant presentation of the proposed replat application
 - 4. City Council receive citizen testimony for/against the proposed replat application
 - 5. Mayor closes the public hearing
 - 6. City Council discuss the case, inclusive of asking questions of staff and/or the applicant
 - 7. City Council vote

V. DISCUSSION/CONSIDERATION ITEMS

- A. Discussion and possible action approving the final plat that establishes Front Gate 2B.
Adrian Garcia, P.E, Manager of Engineering Services Pgs. 23-26

- B. Discussion and possible action approving the Second Reading of an Ordinance adopting the City's Backflow Prevention Program.
Melissa Castro, Environmental Compliance Manager Pgs. 27-35
- C. Consideration and possible action declaring unused city-owned office furniture and equipment as surplus and authorizing disposal.
Carole Vanzant, Assistant City Manager Pg. 36
- D. Consideration and possible action authorizing the destruction of certain city records.
Christina Picioccio, City Secretary Pgs. 37-38
- E. Discussion regarding effective budgeting of salary and wages.
Council Member Hartpence Pgs. 39-42

VI. REPORTS FROM STAFF / COMMITTEES / COUNCIL

- A. Recap of Household Hazardous Waste Event Held March 16, 2019.
Carole Vanzant, Assistant City Manager Pg. 43
- B. Status update of TxDOT's Fair Oaks Parkway Bridge Project.
Adrian Garcia, P.E, Manager of Engineering Services

VII. 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:

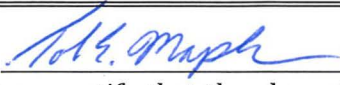
- A. 551.071 (Consultation with Attorney) - Cause No. 2018-CI-00202; the City of Fair Oaks Ranch, Texas vs Edward I. Hill, Robert E. Heckendorn, Craig M. Luitjen, Roger Fuentes, Wesley A. Pieper, Esther W. Hicks, William A. McDowell, Yolanda D. Ayala, PG Pfeiffer Ranches LLC, Maureen Pfeiffer Stevenson 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.

VIII. RECONVENE INTO OPEN SESSION

Discussion and possible action on items discussed in Executive Session.

IX. 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, May 13, 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 OF FAIR OAKS RANCH
CITY COUNCIL MEETING MINUTES
May 2, 2019
7286 Dietz Elkhorn
Fair Oaks Ranch, TX 78015

I. OPEN MEETING

A. Roll Call – Declaration of a Quorum

Present: Mayor Manitzas, Mayor Pro Tem Havard

Council Members: Elizondo, Hartpence, Koerner, Maxton, and Patel

With a quorum present, the Mayor called the City Council meeting to order at 9:30 AM.

B. The Pledge of Allegiance was led by students from the Fair Oaks Ranch Elementary and Van Raub Elementary schools.

II. CITIZENS and GUEST FORUM / PRESENTATIONS

A. Lauren Walch, principal of the Fair Oaks Ranch Elementary School, along with teachers Mark Garcia, Patty Ashley, and Rolanda Shrader, and students updated the City Council on their Life Skills Garden Project and showed winning photos from the school's recent wildlife photography contest. Jamie Robinson, principal of the Van Raub Elementary School, along with Donna Oates, fourth grade team leader and two of her students, G. Pelletier and L. Lever, updated the City Council on the school's Life Skills Chicken Club Project. Bruce Nicholson, chairman of the Wildlife Education Committee, provided an update on current and future committee education activities.

B. Joanna Merrill, city's Human Resources Director, introduced the city's newly hired custodian, Clifford McLendon.

C. No citizens requested to be heard.

III. CONSENT AGENDA

A. Approval of April 18, 2019 Regular City Council Meeting Minutes.

B. Approval of April 22, 2019 Special City Council Meeting Minutes.

C. Approval of an Ordinance adopting the city's Unified Development Code.

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

City Manager asked the Mayor to move agenda item V.A to follow item IV.A.

IV. DISCUSSION/CONSIDERATION ITEMS

A. Consideration and possible action on the First Reading of an Ordinance regarding FY2018-19 budget adjustments.

Finance Director Sarah Buckelew presented three FY2018-19 budget amendments involving the bond surplus, the stormwater utility study, and court technology purchases.

MOTION: Made by Council Member Elizondo, seconded by Mayor Pro Tem Havard to approve the first reading of an ordinance amending the FY2019-19 budget.

VOTE: 7-0; Motion Passed.

V. REPORTS FROM STAFF / COMMITTEES / COUNCIL

A. Director of Finance, Sarah Buckelew, provided the quarterly financial and investment reports.

IV. DISCUSSION/CONSIDERATION ITEMS (Continued)

B. Consideration and possible action on appointing members to the Home Rule Charter Penalty Clause Committee.

Assistant City Manager Carole Vanzant noted five applications for the five vacant positions have been received.

MOTION: Made by Council Member Hartpence, seconded by Council Member Patel to appoint Rich Nichols, Art Waterman, Ellen Damstra, Jane Burton and John Collins to the Home Rule Charter Penalty Clause Committee.

VOTE: 7-0; Motion Passed.

C. Discussion of a potential City project.

The City Council provided the City Manager with general direction to move forward with the development of a Municipal Development "District (MDD) infrastructure project application seeking funding for gateway/corridor enhancements on Fair Oaks Parkway. The City Manager stated he would frame the opportunity, inclusive of committee participation, for City Council consideration at a future meeting.

D. Consideration and possible action on cancelling the July 4, 2019 City Council meeting.

MOTION: Made by Council Member Elizondo, seconded by Council Member Hartpence to approve cancelling the July 4, 2019 City Council meeting.

VOTE: 7-0; Motion Passed.

VI. CONVENE INTO EXECUTIVE SESSION

City Council did not convene into closed 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

Not applicable.

VIII. ADJOURNMENT

Requests for future city council meetings:

- i. Council Member Hartpence requested a presentation on addressing FTE's in the upcoming budget.
- ii. Council Member Koerner requested an update on the city branding by TxDOT on the Fair Oaks Parkway bridge.
- iii. Council Member Patel requested a report on the 2019 legislative bills that will impact the City's FY2019/20 budget.
- iv. Council Member Elizondo requested Council consider a subcommittee be formed for the Utility Rate Study project.

The City Manager stated a need to manage expectations regarding future agenda requests and the timing for developing supporting material.

Mayor Manitzas adjourned the meeting at 10:45 AM.

Garry Manitzas, Mayor

ATTEST:

Christina Picioccio, City Secretary



CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

May 16, 2018

AGENDA TOPIC: Approval of the Second Reading of an Ordinance Adopting Fiscal Year 18-19 Budget Amendments

DATE: May 16, 2019

DEPARTMENT: Finance

PRESENTED BY: Sarah Buckelew

INTRODUCTION/BACKGROUND:

The purpose of this agenda item is to bring forward for consideration and possible adoption three budget amendments for Fiscal Year 18-19. This represents the second reading of the proposed ordinances adopting the three budget amendments as discussed further below.

Proposed Budget Adjustment A – Usage of Bond Surplus

On March 21, a proposed budget amendment was brought before Council for consideration. A motion was made by Councilman Elizondo, and seconded by Mayor Pro Tem Havard directing staff to draft and bring to Council a budget amendment Ordinance that would utilize the bond surplus for budgeted current year roadway projects, and would increase the budgeted Chip Seal project. The budgeted surplus would then be assigned to future CIP projects as approved by council.

With the budget year half-way through, the Finance Director met with all budget owners to discuss the state of their budgets, and whether adjustments were needed. Two requested budget adjustments required movement of amounts between budget funds. Ordinance 2018-09, which adopted the Fiscal Year 18-19 budget, stated that the City Manager may move amounts within the same fund, but budget amendments between funds must be approved by City Council Ordinance.

Proposed Budget Adjustment B - Stormwater Utility Study

The Stormwater Utility Study will likely not be completed during the budget year 18-19 due to delay in other projects. Staff recommends that the budget of \$120,000 for the Stormwater Utility, which represents a full funding of the project, be moved from the General Fund to the Capital Improvement Fund so that the project can be better managed across budget years. Once the budget is moved to the Capital Improvement Fund, any unspent budget from fiscal year 18-19 will be allocated in future years to the completion of the Stormwater Utility Study rather than closed out to Fund Balance in the General Fund.

Proposed Budget Adjustment C – Use of Restricted Court Technology Funds

The addition of an Incode Court module that would allow the Municipal Judge and Prosecutor access to enter and approve their own case documentation was recommended during an audit process, and funded for \$8,500 in the budget year 18-19. The initial quote provided by Tyler Technology was for the base software, and did not include other required

modules that would complete the audit-recommended process improvement (i.e. content manager and secure signatures module). The budget item also did not include required hardware such as signature pads, and computer equipment for the use of Judge and Prosecutor on court days.

By definition, restricted funds have externally imposed constraints that limit the use of the funds to restricted purposes. The Court Technology Fund is restricted by the Code of Criminal Procedure Article 102.0172 which states that the fund “may only be used to finance the purchase of or to maintain technological enhancements for a municipal court or municipal court of record including: computer systems, computer networks, computer hardware, computer software, imaging systems, electronic kiosks, electronic ticket writers and docket management systems”.

As the purpose of the budget request meets the constraints as defined by Article 102.0172, staff recommends that the Court Technology Fund be utilized to fund the remaining technological upgrades needed in Court.

The first reading of the Ordinance was approved by Council at the May 2, 2019 Council Meeting.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

Continued funding of the Stormwater Utility Study across budget years will help this project advance towards completion rather than be delayed during the 19-20 budget review process.

Funding the remaining technological components as recommended by the City’s independent auditors will advance the process improvements needed to strengthen internal controls in the Municipal Court.

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

See attachments to the Budget Amendment Ordinance

LEGAL ANALYSIS:

Not applicable.

RECOMMENDATION/PROPOSED MOTION:

Staff recommends the approval of the proposed Budget Amendment Ordinance.

AN ORDINANCE

AMENDING THE BUDGET OF THE CITY OF FAIR OAKS RANCH, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018 AND ENDING SEPTEMBER 30, 2019

WHEREAS, the budget for the City of Fair Oaks Ranch, Texas for FY 2018- 2019 has heretofore been approved as provided by law and filed with the City Secretary under Ordinance 2018-09

WHEREAS, per above said Ordinance 2018-09 The City Manager may move amounts within the same fund but budget amendments between funds must be approved by City Council by ordinance; and,

WHEREAS, pursuant to Texas LGC §102.010, budget amendments shall be passed and approved by City Council; and,

WHEREAS, staff recommends making the attached budget amendments; and,

WHEREAS, the City Council finds the budget amendments as detailed in the attachment are warranted

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

1. That the City Secretary is hereby directed to file this ordinance as an Amendment to the original budget.
2. That the Finance Director is hereby directed to amend the original budget with the amendments listed in the attachment.

PASSED and APPROVED on first reading the 2nd day of May, 2019.

PASSED, APPROVED AND ADOPTED on second reading this 16th day of May, 2019.

Garry Manitzas, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, City Secretary

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

EXHIBIT A
PROPOSED BUDGET AMENDMENT
CITY OF FAIR OAKS RANCH
FISCAL YEAR 10/1/2018-9/30/2019

Proposed Utilization of Remaining Bond Fund FY 18-19

<u>Dep't</u>	<u>Acct #</u>	<u>Acct Name</u>	<u>Item</u>	<u>Amount</u>	<u>Risk/Opportunity Addressed</u>
Bond Fund - Fund Balance	07-400-980	Fund Balance - Transfer In	Annual Chip Seal and Routine Maintenance	\$ 449,344	* Remaining bond fund balance to be utilized for annual chip seal.
Bond Fund - Construction Costs	07-501-552	Construction Costs	Annual Chip Seal and Routine Maintenance	\$ (449,344)	* Remaining bond fund balance to be utilized for annual chip seal.
Total Proposed Expenditure Increases				\$ -	

Proposed Increases (Decreases) to Expenditures FY 18-19

<u>Dep't</u>	<u>Acct #</u>	<u>Acct Name</u>	<u>Item</u>	<u>Amount</u>	<u>Risk/Opportunity Addressed</u>
Capital Improv. Fund	02-509-800	CIP Fund Balance	Infrastructure	\$ 427,711	General Fund current year savings are transferred to the Capital improvement fund for use on future infrastructure projects as approved by Council.
General Fund-Engineering	01-642-254	Street Maintenance	Annual Chip Seal	\$ (347,711)	Annual Chip Seal project will be paid for with surplus bond proceeds
General Fund - Maintenance	01-640-254	Street Maintenance	Routine Annual Maintenance	\$ (80,000)	This budget will be used to increase the Annual Chip Seal scope of work and will be paid for out of the surplus bond proceeds
Total Proposed Revenue Increases/Expenditure Decreases				\$ -	

Transfers Required Between Funds

	<u>Acct #</u>	<u>Acct Name</u>	<u>Item</u>	<u>Amount</u>	<u>Description</u>
Capital Improv. Fund	02-400-986	Transfer from General Fund	Infrastructure	\$ 427,711	Represents transfer to Capital Improvement Fund from the General Fund
General Fund	01-690-805	Transfer to Capital Improvement Fund	Infrastructure	\$ (427,711)	Represents transfer from General fund to the Capital Improvement Fund
Total Net Transfers between Funds				\$ -	

** Fund balance transfers and construction costs may vary by an immaterial amount due to fluctuation in estimated interest earnings*

EXHIBIT B

**PROPOSED BUDGET AMENDMENT
CITY OF FAIR OAKS RANCH
FISCAL YEAR 10/1/2018-9/30/2019**

Proposed (Decreases) to Budgeted Expenditures FY 18-19

<u>Dep't</u>	<u>Acct #</u>	<u>Acct Name</u>	<u>Item</u>	<u>Amount</u>	<u>Risk/Opportunity Addressed</u>
Engineering	01-642-300	Professional Services	Stormwater Utility Study	\$ (120,000)	This project will likely take multiple years to complete, therefore staff recommends moving the item to CIP so that it can be managed across budget years.
				Total Proposed Expenditure Increases \$	(120,000)

Proposed Increases to Budgeted Expenditures FY 18-19

<u>Dep't</u>	<u>Acct #</u>	<u>Acct Name</u>	<u>Item</u>	<u>Amount</u>	<u>Reason for Budget Surplus</u>
Capital Improvement	02-501-563	Master Drainage	Stormwater Utility Study	\$ 120,000	This project will likely take multiple years to complete, therefore staff recommends moving the item to CIP so that it can be managed across budget years.
				Total Proposed Revenue Increases/Expenditure Decreases \$	120,000

Transfers Required Between Funds

	<u>Acct #</u>	<u>Acct Name</u>	<u>Item</u>	<u>Amount</u>	<u>Description</u>
General Fund	01-690-805	Transfer to Capital Improvement	Stormwater Utility Study	\$ 120,000	Represents transfer to Capital Improvement Fund from the General Fund
Capital Improvement	02-400-986	Transfer from General Fund	Stormwater Utility Study	\$ (120,000)	Represents transfer from General fund to the Capital Improvement Fund
				Total Net Transfers between Funds \$	-

EXHIBIT C**PROPOSED BUDGET AMENDMENT
CITY OF FAIR OAKS RANCH
FISCAL YEAR 10/1/2018-9/30/2019****Proposed Decrease to Restricted Fund Balance FY 18-19**

<u>Dep't</u>	<u>Acct #</u>	<u>Acct Name</u>	<u>Item</u>	<u>Amount</u>	<u>Risk/Opportunity Addressed</u>
Fund Balance	01-300001 & 01-400-981	Court Technology-Restricted Fund Balance	Court Technology upgrades	\$ 11,500	Remaining Court Technology upgrades needed to advance internal controls and process improvements in Municipal Court.
Total Proposed Expenditure Increases				\$ 11,500	

Proposed Increases to Budgeted Expenditures FY 18-19

<u>Dep't</u>	<u>Acct #</u>	<u>Acct Name</u>	<u>Item</u>	<u>Amount</u>	<u>Reason for Budget Surplus</u>
Court	01-620-270	Computer Hardware/Software	Court Technology upgrades	\$ 11,500	Remaining Court Technology upgrades needed to advance internal controls and process improvements in Municipal Court.
Total Proposed Revenue Increases/Expenditure Decreases				\$ 11,500	



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
May 16, 2019

AGENDA TOPIC: Ratification of Bexar Appraisal Districts' waiver of property tax penalty and interest for property tax account No. 04709-300-4430.

DATE: May 16, 2019

DEPARTMENT: Finance

PRESENTED BY: Sarah Buckelew, Finance Director

INTRODUCTION/BACKGROUND:

Due to a billing error made by Bexar County Appraisal District (BCAD), a property tax owner is requesting a waiver of penalty and interest under Section 33.011 of the Texas Property Tax Code.

The governing body of a taxing unit shall waive penalties and may provide for the waiver of interest if an act or omission by an employee of the Appraisal Districted resulted in the taxpayer's failure to pay the tax before the delinquency.

The City has received verification from BCAD that such an error did occur, and that BCAD recommends that penalty and interest in the amount of \$131.91 and \$37.69 respectively be refunded due to a billing error on their part (see attachments).

Section 33.011 of the Texas Property Tax Code requires waiver of penalties and interest on late payment of property taxes be approved by City Council before such refund can be made.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

The request for waiver of penalty and interest is appropriate.

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

It is at the request of BCAD that the amount of \$169.60 for penalties and interest be refunded to the property owner.

LEGAL ANALYSIS:

Not applicable.

RECOMMENDATION/PROPOSED MOTION:

I move to approve the request for waiver of penalty and interest.



Albert Uresti, MPA, PCC
Office of the Tax Assessor - Collector

April 24, 2019

Sarah Buckelew
Finance Officer
City of Fair Oaks Ranch
7286 Dietz Elkhorn Rd.
Fair Oaks Ranch, TX 78015

RE: Waiver of Penalty and Interest on Tax Account: 04709-300-4430
Years(s): 2018
Owner(s): Joseph & Dianne Brickner
Amount of Penalty Paid: \$131.91
Amount of Interest Paid: \$37.69
Amount of 33.07 Penalty Paid: \$0.00

Dear Ms. Buckelew:

The above referenced property owner has requested for the waiver of penalty and interest under Section 33.011 of the Texas Property Tax Code.

The governing body of a taxing unit shall waive penalties and may provide for the waiver of interest if an act or omission of an act by an employee of the Bexar Appraisal District resulted in the taxpayer's failure to pay the tax before delinquency.

The attached letter confirms such an error did occur. The taxes have been paid and the request for waiver was made within 180 days of the delinquency date. This office recommends penalty and interest to be refunded unless we receive notice otherwise from the governing body.

Please notify our office within fifteen days of the receipt of this letter if the governing body of the City of Fair Oaks Ranch agrees with this recommendation. If you have any questions or concerns please contact our office at (210) 335-0565.

Sincerely,

A handwritten signature in black ink, appearing to read "AU", is written over a horizontal line.

Albert Uresti, MPA, PCC
Tax Assessor-Collector
Bexar County

96 AU:CG/kl/rk
Attachment: a/s

FORM: TASL7
REV 04/13

From: Joseph Brickner [<mailto:Joseph.Brickner@vitas.com>]
Sent: Monday, March 18, 2019 1:16 PM
To: TaxOffice
Subject: Waiver

Good morning, on March 6th 2019 I received my 2018 tax bill for the new home I purchased 9/11/2018 from William Hickey. I am being penalized for late payment of \$517.32 and have never received a bill. I have inquired twice, once in December and again in January and was told by you department that there was nothing owed and to review my closing documents. I did receive a bill from Kendall for my school taxes and paid those on time. I was told today by your team that tax bill was sent to previous owner in October and then again to me in January to my old address on Equestrian. I have not lived in that home since 2012 and have had three homes in two states since then. I am asking for a waiver of \$517.32 Thank you

Kind Regards

Joe

Joe Brickner
General Manager
8401 Datapoint Drive, Suite 300
San Antonio, TX 78229
Phone: 210-348-4040
Mobile: 210-247-8031
Fax: 210-348-4364

VITAS
Healthcare



WE HONOR VETERANS

This e-mail contains Protected Health Information (PHI) that is CONFIDENTIAL and PROTECTED by federal law. It is intended for the recipient only. If you receive this e-mail in error, please delete the materials and contact the sender of the e-mail at VITAS immediately. The dissemination, distribution or copying of this material is strictly prohibited. Thank you.



Albert Uresti, MPA, PCC
Office of the Tax Assessor - Collector

March 26, 2019

Joseph Brickner
7703 Secretariat Ln
Fair Oak Ranch, Tx 78015

RE: Account: 04709-300-4430

Dear Mr. Brickner:

This letter is to acknowledge receipt of your correspondence wherein you have requested for the waiver of penalty and interest against the above referenced property.

We are in the process of reviewing your account for a possible error. Once this step is completed, the findings along with your request for the waiver of penalties and interest will be forwarded to the governing bodies of the taxing units for which we collect taxes. Their agency will determine if an error was made by the Bexar Appraisal District that would warrant for the waiver of penalty and interest.

If we can be of further assistance, please contact our Property Tax Department at (210) 335-0535.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Isbell", is positioned above the typed name of Karen Isbell.

Karen Isbell, PCC
Property Tax Supervisor
Office of Albert Uresti MPA, PCC
Tax Assessor-Collector
Bexar County

AU:CG:ki/rk

FORM: TASL4
REV 03/13



Albert Uresti, MPA, PCC
Office of the Tax Assessor - Collector

March 25, 2019

Mr. Michael A. Amezcuita
Chief Appraiser
Bexar Appraisal District
411 North Frio
San Antonio, TX 78207

Re: Research of Possible Error per Section 33.011 of the Texas Property Tax Code
Account(s): 04709-300-4430

Dear Mr. Amezcuita:

Enclosed please find copies of the request received by this office from Joseph Brickner, of 7703 Secretariat Ln, requesting to waive penalty and interest under the Section of the Tax Code cited above. Taxes were paid timely of the notification of delinquent taxes and the request for waiver was made within 180 days.

Please research account number(s) 04709-300-4430 for tax year(s) 2018, for possible incorrect ownership information. A recommendation is requested of a possible incorrect ownership information administrative error on the Bexar Appraisal District records.

Please forward your response to: Bexar County Tax Office, Attn: Property Tax Department, P.O. Box 839950, San Antonio, TX 78283. If there are any questions we can be reached at 210-335-0535.

Sincerely,

A handwritten signature in black ink, appearing to read "K Isbell", is written over a horizontal line.

Karen Isbell, PCC
Property Tax Supervisor
Office of Albert Uresti, MPA, PCC
Tax Assessor-Collector
Bexar County

AU:CG:ki/rk
Enclosures: As Stated



BEXAR APPRAISAL DISTRICT

Michael A. Amezcuita
Chief Appraiser

411 N. Frio, P.O. Box 830248
San Antonio, TX 78283-0248
Phone (210) 224-8511
Fax (210) 242-2451

BOARD OF DIRECTORS

CHERI BYROM
Chairwoman
ROBERTO TREVIÑO-
Councilman District 1
Vice-Chairman
GEORGE TORRES
Secretary

SERGIO RODRIGUEZ -
Commissioner, PCT 1
J. KEITH HUGHEY
ALBERT URESTI, MPA

April 2, 2019

Albert Uresti MPA, PCC
Tax Assessor/Collector
Bexar County Tax Office
233 N Pecos
San Antonio, Texas 78207

RE: Research of Possible Error per Sections 33.011 or 31.015 of the Texas Property Tax Code.

As per your request, we have researched account number 04709-300-4430 for possible ownership error under State Property Tax Code 33.011 and/or 31.015. We have found that there was an administrative error on the Bexar Appraisal Records.

If we can be of any further assistance please contact me at (210) 242-2537.

Sincerely,

Destiny Arguello

Destiny Arguello
Bexar Appraisal District



**CITY COUNCIL CONSIDERATION ITEM
PUBLIC HEARING
CITY OF FAIR OAKS RANCH, TEXAS
May 16, 2019**

AGENDA TOPIC: Conduct a public hearing and consider possible action approving the final replat and subdivision plat that establishes HPI Fair Oaks Self Storage

DATE: May 16, 2019

DEPARTMENT: Public Works

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

INTRODUCTION/BACKGROUND:

Section 212.014 of the Texas Local Government Code states the following regarding replatting:

A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:

- (1) is signed and acknowledged by only the owners of the property being replatted;
- (2) is approved, after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard, by the municipal authority responsible for approving plats; and
- (3) does not attempt to amend or remove any covenants or restrictions.

The following sequence serves to satisfy item #2 above, for conducting the public hearing as follows:

1. Mayor opens the public hearing
2. Staff presentation of the proposed replat application
3. Applicant presentation of the proposed replat application
4. City Council receive citizen testimony for/against the proposed replat application
5. Mayor closes the public hearing
6. City Council discuss the case, inclusive of asking questions of staff and/or the applicant
7. City Council vote

In July 2018 a preliminary replat and subdivision plat establishing HPI Fair Oaks Self Storage was submitted to the Public Works Department by Pape-Dawson Engineers. This tract of land is generally bounded by the IH-10 W access road to the South, the Fair Oaks Country Store to the north, and the Woods subdivision to the east. This plat combines two adjacent lots to create a 1.982 acre parcel that is proposed for a commercial use. This property includes 1.482 acres the remainder of the portion of Pfeiffer Ranch Corners Unit 2 which was modified to be the lot that contains the Fair Oaks Country Store. The remaining 0.5 acre lot is an unplatted parcel located in San Antonio's ETJ and is under the platting jurisdiction of Bexar County. Therefore, both the City of Fair Oaks Ranch and Bexar County will have to review and approve the plat.

After several rounds of review and comments, Pape-Dawson Engineers, submitted a complete updated preliminary plat and applicable supporting documentation. The Planning and Zoning Commission considered this preliminary plat at their regularly scheduled meeting on December 13, 2018. A motion was made to recommend approval of the preliminary plat to the City Council. The commission voted 3-3 with three votes for a recommendation of approval and three votes to not recommend approval, while one member abstained. As the majority of votes was not achieved for recommendation of approval the recommendation defaults to disapproval to City Council. In summary, the P&Z commission voted to recommend disapproval at their regularly scheduled meeting on December 13, 2018.

On January 17, 2019, City Council voted to approve the preliminary replat and subdivision plat that established HPI Fair Oaks Self Storage. Upon approval, Pape-Dawson Engineers submitted a final plat, construction documents, and the remaining administrative items to the City. The construction plans indicated that on-site detention would be utilized to mitigate the increase in impervious cover and subsequent increased flows. This is consistent with the Stormwater Management Plan that was submitted during the preliminary plat process. The conclusion of the Stormwater Management Plan report, prepared by Pape-Dawson Engineers, stated "The site will have no impact on structures and drainage facilities located downstream." The updated final plat has satisfied all of the requirements of the City's Subdivision Ordinance.

On May 9, 2019, the Planning & Zoning Commission considered and recommended approval of the final replat and subdivision plat to City Council.

The Public Works Department recommends approval of the final replat and subdivision plat establishing HPI Fair Oaks Self Storage.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

Article II, Section 5 of the City Subdivision Ordinance titled, Processing of Final Plat contains the following:

A. Staff Review.

City Staff will inspect the final Plat and the Plans and Specifications to verify that the submittal conforms to all of the requirements of this Ordinance. The Subdivider will be informed in writing by the City Administrator of any deficiencies. Prior to final plat approval, City staff shall furnish the Fair Oaks Ranch Public Works Department a report concerning utility and street construction plans, bonding requirements and filing fees. When the Public Works Department is satisfied that all conditions and requirements have been met, the Public Works Department shall recommend approval of the plat at their next scheduled meeting.

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

The Fair Oaks Ranch Public Works Department shall recommend that City Council approve or disapprove the final plat, plans and specifications within 30 days of the date on which a complete final plat submission is received by the City Administrator. The Public Works Department's recommendation of the final plat, plans and specifications shall not constitute final plat approval, but is the authorization to present the plat, plans and specifications to the City Council for final approval. If any major changes are required by the Public Works Department, the Public Works Department may require submission of another final plat.

C. Approval by the Fair Oaks Ranch City Council.

The Fair Oaks Ranch Public Works Department shall forward its recommendation for approval or disapproval to the City Council for action at its next scheduled meeting. Final plats shall be considered filed with the City Council (The Municipal Approving Authority) on the date that the agenda is posted for the meeting that City Council shall initially consider approval of the final 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.”

RECOMMENDATION/PROPOSED MOTION:

I move to approve the final replat and subdivision plat establishing HPI Fair Oaks Self Storage.



CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

May 16, 2019

AGENDA TOPIC: Discussion and possible action approving the final plat that establishes Front Gate Unit 2B

DATE: May 16, 2019

DEPARTMENT: Public Works

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

INTRODUCTION/BACKGROUND:

In March 2019, a Final Plat, establishing Front Gate Unit 2B, was submitted to the Public Works Department by Vickrey and Associates, Inc. This tract of land is generally located in the south west corner of the Front Gate private subdivision. This subdivision is the ninth 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	-	12.11	26
3	4/18/2013	16.58	56
4	3/21/2019	21.94	65
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
5, 6, 7	-	43	106
*Total	-	184	542

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

On February 21, 2019 City Council voted to approve the tree preservation and protection plan that called for the removal of two (2) Heritage Trees from the area of the proposed street location. To mitigate, six (6) trees with a caliper of at least two and one half - inches (2.5") will be planted. This action satisfied the prerequisite requirement for approval of the preliminary plat.

On March 21, 2019, City Council voted to approve the preliminary plat after the Planning and Zoning Commission voted to recommend approval at their March 14, 2019 regularly scheduled meeting. Immediately following the preliminary approval, Vickrey and Associates submitted a final plat, construction documents, and the remaining administrative items to the City.

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

On May 9, 2019, the Planning & Zoning Commission considered and recommended approval of the final plat to City Council.

The Public Works Department recommends approval of the final plat that establishes Front Gate Unit 2B.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

Article II, Section 5 of the City Subdivision Ordinance titled, Processing of Final Plat contains the following:

A. Staff Review.

City Staff will inspect the final Plat and the Plans and Specifications to verify that the submittal conforms to all of the requirements of this Ordinance. The Subdivider will be informed in writing by the City Administrator of any deficiencies. Prior to final plat approval, City staff shall furnish the Fair Oaks Ranch Public Works Department a report concerning utility and street construction plans, bonding requirements and filing fees. When the Public Works Department is satisfied that all conditions and requirements have been met, the Public Works Department shall recommend approval of the plat at their next scheduled meeting.

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

The Fair Oaks Ranch Public Works Department shall recommend that City Council approve or disapprove the final plat, plans and specifications within 30 days of the date on which a complete final plat submission is received by the City Administrator. The Public Works Department's recommendation of the final plat, plans and specifications shall not constitute final plat approval, but is the authorization to present the plat, plans and specifications to the City Council for final approval. If any major changes are required by the Public Works Department, the Public Works Department may require submission of another final plat.

C. Approval by the Fair Oaks Ranch City Council.

The Fair Oaks Ranch Public Works Department shall forward its recommendation for approval or disapproval to the City Council for action at its next scheduled meeting. Final plats shall be considered filed with the City Council (The Municipal Approving Authority) on the date that the agenda is posted for the meeting that City Council shall initially consider approval of the final plat.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

N/A

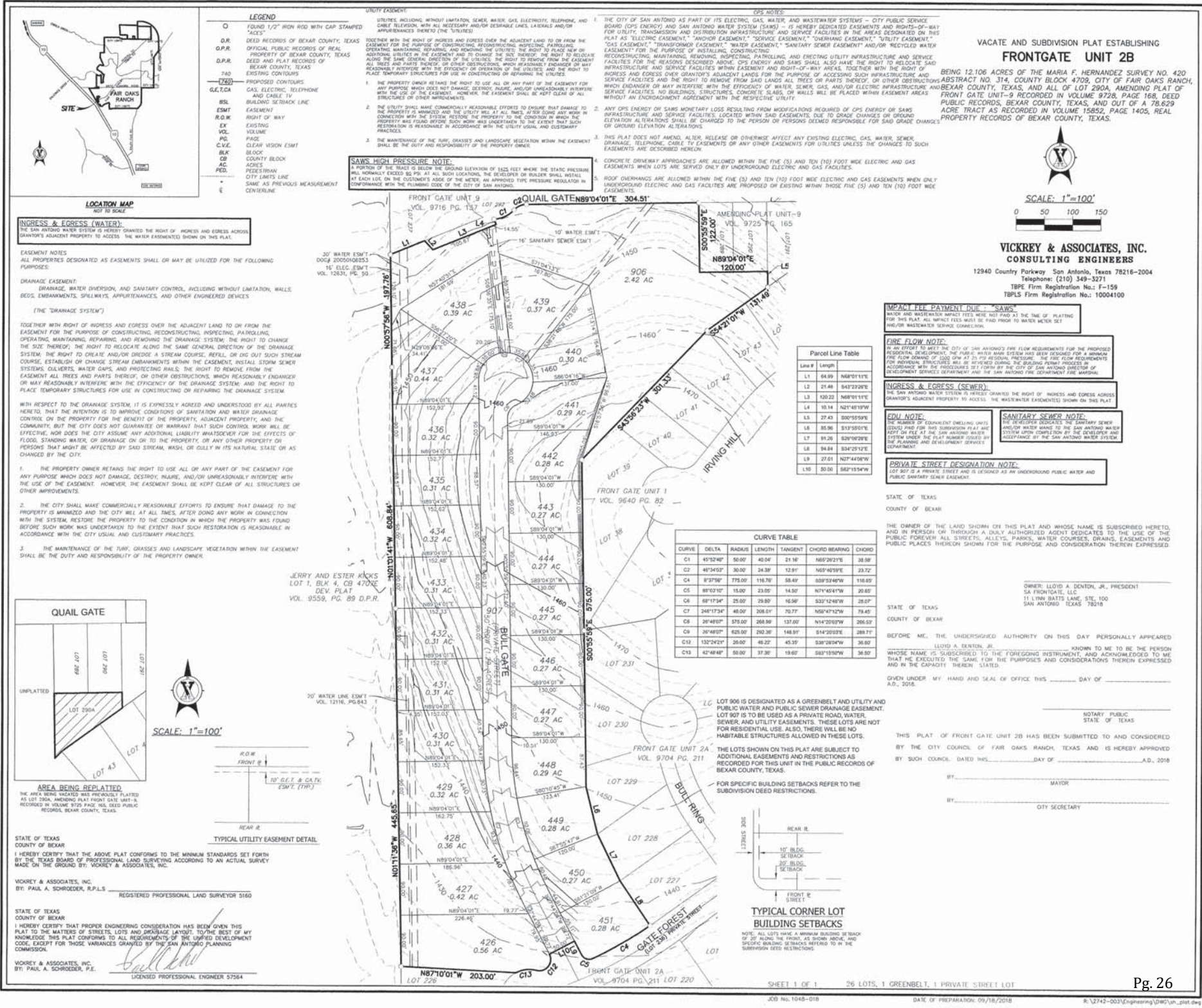
LEGAL ANALYSIS:

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.”

RECOMMENDATION/PROPOSED MOTION:

I move to approve the final plat that establishes Front Gate Unit 2B.



LEGEND

- O FOUND 1/2" IRON ROD WITH CAP STAMPED "ACES"
- D.R. DEED RECORDS OF BEAR COUNTY, TEXAS
- O.P.R. OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEAR COUNTY, TEXAS
- D.R. DEED AND PLAT RECORDS OF BEAR COUNTY, TEXAS
- EXISTING CONTOURS
- PROPOSED CONTOURS
- G.E.T. GAS, ELECTRIC, TELEPHONE AND CABLE TV
- BSL BUILDING SETBACK LINE
- ESMT EASEMENT
- R.O.W. RIGHT OF WAY
- EX EXISTING
- PG. VOLUME
- C.V.E. CLEAR VISION ESMT
- BLK. BLOCK
- CO. COUNTRY BLOCK
- AC. ACRES
- FEET/INCH CITY LIMITS LINE
- SAME AS PREVIOUS MEASUREMENT CENTERLINE

LOCATION MAP
NOT TO SCALE

INGRESS & EGRESS (WATER)
THE SAN ANTONIO WATER SYSTEM IS HEREBY GRANTED THE RIGHT OF INGRESS AND EGRESS ACROSS GRANTOR'S ADJACENT PROPERTY TO ACCESS THE WATER FACILITIES SHOWN ON THIS PLAT.

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, BEYS, 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, MAINTAINING, 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 OBTAIN A STREAM COURSE, RETAIL, OR DRY OUT SUCH STREAM COURSE, ESTABLISH OR CHANGE STREAM EMBANKMENTS WITHIN THE EASEMENT, INSTALL STORM SEWER SYSTEMS, CULVERTS, WATER CAPS, AND PROTECTING RAILS, THE RIGHT TO REMOVE FROM THE EASEMENT ALL TREES AND PLANTS 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 CONTROLLING THE PROPERTY FOR THE BENEFIT OF THE PROPERTY, ADJACENT PROPERTY, AND THE COMMUNITY, BUT THE CITY DOES NOT GUARANTEE OR WARRANT THAT SUCH CONTROLS, 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 DULLY 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 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.
- THE MAINTENANCE OF THE TURF, GRASSES AND LANDSCAPE VEGETATION WITHIN THE EASEMENT SHALL BE THE DUTY AND RESPONSIBILITY OF THE PROPERTY OWNER.

QUAIL GATE

UNPLATTED

LOT 290A

LOT 43

LOT 4

AREA BEING RE-PLATTED
THE AREA BEING RE-PLATTED WAS PREVIOUSLY PLATTED AS LOT 290A, AMENDING PLAT FRONT GATE UNIT-9, RECORDED IN VOLUME 9759 PAGE 168, DEED RECORDS, BEAR COUNTY, TEXAS.

STATE OF TEXAS
COUNTY OF BEAR

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.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR 5160

STATE OF TEXAS
COUNTY OF BEAR

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

VICKREY & ASSOCIATES, INC.
BY: PAUL A. SCHROEDER, P.E.
LICENSED PROFESSIONAL ENGINEER 57564

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 THEREON (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, MAINTAINING, OPERATING, MAINTAINING, REPAIRING, AND REMOVING THE UTILITIES, THE RIGHT TO PLACE NEW OR ADDITIONAL UTILITIES WITHIN 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 PLANTS THEREOF, OR OTHER OBSTRUCTIONS, WHICH REASONABLY ENDANGER OR MAY REASONABLY INTERFERE WITH THE EFFICIENCY OF 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 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.

SAWS, HIGH PRESSURE, NOTE
A PORTION OF THE TRACT IS BELOW THE 100' ELEVATION OF 542.5 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 OUTSIDE EDGE OF THE LOT, AN APPROVED TYPE PRESSURE REGULATOR IN CONFORMANCE WITH THE PLUMBING CODE OF THE CITY OF SAN ANTONIO.

OPS 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 DESIGNATING 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," "SALE EASEMENT," "TRANSFORMER EASEMENT," "WATER EASEMENT," "SANITARY SEWER EASEMENT" AND/OR "RECYCLED WATER EASEMENT" FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, RECONSTRUCTING, MAINTAINING, OPERATING, MAINTAINING, REPAIRING, AND REMOVING THE UTILITIES, THE RIGHT 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 PLANTS THEREOF, OR OTHER OBSTRUCTIONS, WHICH REASONABLY ENDANGER OR MAY REASONABLY INTERFERE WITH THE EFFICIENCY OF OPERATION OF THE UTILITIES, AND THE RIGHT TO PLACE TEMPORARY STRUCTURES FOR USE IN CONSTRUCTING OR REPAIRING THE UTILITIES.

- 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 WITHOUT AN ENDORSEMENT 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 WITHOUT AN ENDORSEMENT AGREEMENT WITH THE RESPECTIVE UTILITY.
- 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 ARE DESCRIBED HEREON.

VACATE AND SUBDIVISION PLAT ESTABLISHING

FRONTGATE UNIT 2B

BEING 12.106 ACRES OF THE MARIA F. HERNANDEZ SURVEY NO. 420, CITY OF FAIR OAKS RANCH, TEXAS, AND ALL OF LOT 290A, AMENDING PLAT OF FRONT GATE UNIT-9 RECORDED IN VOLUME 9728, PAGE 168, DEED PUBLIC RECORDS, BEAR COUNTY, TEXAS, AND OUT OF A 78.629 ACRES TRACT AS RECORDED IN VOLUME 15852, PAGE 1405, REAL PROPERTY RECORDS OF BEAR COUNTY, TEXAS.

SCALE: 1"=100'

0 50 100 150

VICKREY & ASSOCIATES, INC.
CONSULTING ENGINEERS

12940 Country Parkway San Antonio, Texas 78216-2004
Telephone: (210) 349-3271
TBE Firm Registration No. F-159
TBPLS Firm Registration No. 10004100

IMPACT FEE PAYMENT DUE - SAWS
WATER AND WASTEWATER IMPACT FEES HAVE NOT YET BEEN PAID AT THE TIME OF PLATING. FOR THIS PLAT, ALL IMPACT FEES MUST BE PAID PRIOR TO WATER METER SET AND 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 1500 GPM AT 20 PSI RESIDUAL PRESSURE. THE FIRE FLOW REQUIREMENTS FOR INDIVIDUAL STRUCTURES WILL BE DETERMINED DURING THE BUILDING PERMIT PROCESS IN CONFORMANCE WITH THE PROCEDURES SET FORTH BY THE CITY OF SAN ANTONIO DIRECTOR OF DEVELOPMENT SERVICES DEPARTMENT AND THE SAN ANTONIO FIRE DEPARTMENT FIRE MARSHAL.

INGRESS & EGRESS (SEWER)
THE SAN ANTONIO WATER SYSTEM IS HEREBY GRANTED THE RIGHT OF INGRESS AND EGRESS ACROSS GRANTOR'S ADJACENT PROPERTY TO ACCESS THE WASTEWATER FACILITIES SHOWN ON THIS PLAT.

EDU NOTE
THE NUMBER OF EQUIVALENT DWELLING UNITS (EDU) FOR THIS PLAT IS 10. THE CITY OF SAN ANTONIO WATER SYSTEM UPON COMPLETION OF THE SAN ANTONIO WATER SYSTEM UNDER THE PLAT NUMBER ISSUED BY THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT.

SANITARY SEWER NOTE
THE DEVELOPER DECATES THE SANITARY SEWER SYSTEM UPON COMPLETION OF THE SAN ANTONIO WATER SYSTEM ACCEPTANCE BY THE SAN ANTONIO WATER SYSTEM.

PRIVATE STREET DESIGNATION NOTE
LOT 907 IS A PRIVATE STREET AND IS DESIGNATED AS AN UNDERGROUND PUBLIC WATER AND PUBLIC SANITARY SEWER EASEMENT.

STATE OF TEXAS
COUNTY OF BEAR

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
SA FRONTGATE, LLC
11 LYNN BATTIS LANE, STE. 100
SAN ANTONIO, TEXAS 78218

STATE OF TEXAS
COUNTY OF BEAR

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., 2018.

NOTARY PUBLIC
STATE OF TEXAS

THIS PLAT OF FRONT GATE UNIT 2B 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., 2018

BY: _____ MAYOR

BY: _____ CITY SECRETARY

Parcel Line Table

Line #	Length	Area
L1	14.30	N89°04'01"E
L2	21.48	S47°29'27"E
L3	100.32	N89°04'01"E
L4	10.14	N27°49'59"W
L5	27.42	S20°55'59"W
L6	58.06	S13°00'01"E
L7	19.26	S20°55'59"W
L8	18.84	S24°25'12"E
L9	27.61	N27°49'59"W
L10	80.00	S20°55'59"W

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD
C1	47°32'40"	50.00	40.04	21.16	N85°29'21"E	38.98
C2	47°34'57"	30.00	24.39	12.91	N85°46'59"E	23.72
C3	8°37'58"	175.00	116.70	58.49	S28°53'49"W	118.69
C4	88°10'10"	15.00	23.05	14.50	N70°44'17"W	20.66
C5	68°17'34"	25.00	39.80	16.96	S23°12'40"W	39.07
C6	348°17'34"	40.00	208.07	70.77	N58°47'32"W	74.45
C7	38°48'01"	575.00	266.86	137.00	N14°20'07"W	266.52
C8	39°48'01"	625.00	290.36	148.91	S14°20'07"W	289.77
C9	132°24'21"	25.00	40.27	45.35	S38°28'04"W	36.60
C10	47°48'48"	50.00	37.36	19.67	S85°19'59"W	36.50

FRONT GATE UNIT 1
VOL. 9640 PG. 82

FRONT GATE UNIT 2A
VOL. 9704 PG. 211

FRONT GATE UNIT 2B
VOL. 9704 PG. 211

FRONT GATE UNIT 2C
VOL. 9704 PG. 211

FRONT GATE UNIT 2D
VOL. 9704 PG. 211

FRONT GATE UNIT 2E
VOL. 9704 PG. 211

FRONT GATE UNIT 2F
VOL. 9704 PG. 211

FRONT GATE UNIT 2G
VOL. 9704 PG. 211

FRONT GATE UNIT 2H
VOL. 9704 PG. 211

FRONT GATE UNIT 2I
VOL. 9704 PG. 211

FRONT GATE UNIT 2J
VOL. 9704 PG. 211

FRONT GATE UNIT 2K
VOL. 9704 PG. 211

FRONT GATE UNIT 2L
VOL. 9704 PG. 211

FRONT GATE UNIT 2M
VOL. 9704 PG. 211

FRONT GATE UNIT 2N
VOL. 9704 PG. 211

FRONT GATE UNIT 2O
VOL. 9704 PG. 211

FRONT GATE UNIT 2P
VOL. 9704 PG. 211

FRONT GATE UNIT 2Q
VOL. 9704 PG. 211

FRONT GATE UNIT 2R
VOL. 9704 PG. 211

FRONT GATE UNIT 2S
VOL. 9704 PG. 211

FRONT GATE UNIT 2T
VOL. 9704 PG. 211

FRONT GATE UNIT 2U
VOL. 9704 PG. 211

FRONT GATE UNIT 2V
VOL. 9704 PG. 211

FRONT GATE UNIT 2W
VOL. 9704 PG. 211

FRONT GATE UNIT 2X
VOL. 9704 PG. 211

FRONT GATE UNIT 2Y
VOL. 9704 PG. 211

FRONT GATE UNIT 2Z
VOL. 9704 PG. 211

FRONT GATE UNIT 2AA
VOL. 9704 PG. 211

FRONT GATE UNIT 2AB
VOL. 9704 PG. 211

FRONT GATE UNIT 2AC
VOL. 9704 PG. 211

FRONT GATE UNIT 2AD
VOL. 9704 PG. 211

FRONT GATE UNIT 2AE
VOL. 9704 PG. 211

FRONT GATE UNIT 2AF
VOL. 9704 PG. 211

FRONT GATE UNIT 2AG
VOL. 9704 PG. 211

FRONT GATE UNIT 2AH
VOL. 9704 PG. 211

FRONT GATE UNIT 2AI
VOL. 9704 PG. 211

FRONT GATE UNIT 2AJ
VOL. 9704 PG. 211

FRONT GATE UNIT 2AK
VOL. 9704 PG. 211

FRONT GATE UNIT 2AL
VOL. 9704 PG. 211

FRONT GATE UNIT 2AM
VOL. 9704 PG. 211

FRONT GATE UNIT 2AN
VOL. 9704 PG. 211

FRONT GATE UNIT 2AO
VOL. 9704 PG. 211

FRONT GATE UNIT 2AP
VOL. 9704 PG. 211

FRONT GATE UNIT 2AQ
VOL. 9704 PG. 211

FRONT GATE UNIT 2AR
VOL. 9704 PG. 211

FRONT GATE UNIT 2AS
VOL. 9704 PG. 211

FRONT GATE UNIT 2AT
VOL. 9704 PG. 211

FRONT GATE UNIT 2AU
VOL. 9704 PG. 211

FRONT GATE UNIT 2AV
VOL. 9704 PG. 211

FRONT GATE UNIT 2AW
VOL. 9704 PG. 211

FRONT GATE UNIT 2AX
VOL. 9704 PG. 211

FRONT GATE UNIT 2AY
VOL. 9704 PG. 211

FRONT GATE UNIT 2AZ
VOL. 9704 PG. 211

FRONT GATE UNIT 2BA
VOL. 9704 PG. 211

FRONT GATE UNIT 2BB
VOL. 9704 PG. 211

FRONT GATE UNIT 2BC
VOL. 9704 PG. 211

FRONT GATE UNIT 2BD
VOL. 9704 PG. 211

FRONT GATE UNIT 2BE
VOL. 9704 PG. 211

FRONT GATE UNIT 2BF
VOL. 9704 PG. 211

FRONT GATE UNIT 2BG
VOL. 9704 PG. 211

FRONT GATE UNIT 2BH
VOL. 9704 PG. 211

FRONT GATE UNIT 2BI
VOL. 9704 PG. 211

FRONT GATE UNIT 2BJ
VOL. 9704 PG. 211

FRONT GATE UNIT 2BK
VOL. 9704 PG. 211

FRONT GATE UNIT 2BL
VOL. 9704 PG. 211

FRONT GATE UNIT 2BM
VOL. 9704 PG. 211

FRONT GATE UNIT 2BN
VOL. 9704 PG. 211

FRONT GATE UNIT 2BO
VOL. 9704 PG. 211

FRONT GATE UNIT 2BP
VOL. 9704 PG. 211

FRONT GATE UNIT 2BQ
VOL. 9704 PG. 211

FRONT GATE UNIT 2BR
VOL. 9704 PG. 211

FRONT GATE UNIT 2BS
VOL. 9704 PG. 211

FRONT GATE UNIT 2BT
VOL. 9704 PG. 211

FRONT GATE UNIT 2BU
VOL. 9704 PG. 211

FRONT GATE UNIT 2BV
VOL. 9704 PG. 211

FRONT GATE UNIT 2BW
VOL. 9704 PG. 211

FRONT GATE UNIT 2BX
VOL. 9704 PG. 211

FRONT GATE UNIT 2BY
VOL. 9704 PG. 211

FRONT GATE UNIT 2BZ
VOL. 9704 PG. 211

FRONT GATE UNIT 2CA
VOL. 9704 PG. 211

FRONT GATE UNIT 2CB
VOL. 9704 PG. 211

FRONT GATE UNIT 2CC
VOL. 9704 PG. 211

FRONT GATE UNIT 2CD
VOL. 9704 PG. 211

FRONT GATE UNIT 2CE
VOL. 9704 PG. 211

FRONT GATE UNIT 2CF
VOL. 9704 PG. 211

FRONT GATE UNIT 2CG
VOL. 9704 PG. 211

FRONT GATE UNIT 2CH
VOL. 9704 PG. 211

FRONT GATE UNIT 2CI
VOL. 9704 PG. 211

FRONT GATE UNIT 2CJ
VOL. 9704 PG. 211

FRONT GATE UNIT 2CK
VOL. 9704 PG. 211

FRONT GATE UNIT 2CL
VOL. 9704 PG. 211

FRONT GATE UNIT 2CM
VOL. 9704 PG. 211

FRONT GATE UNIT 2CN
VOL. 9704 PG. 211

FRONT GATE UNIT 2CO
VOL. 9704 PG. 211

FRONT GATE UNIT 2CP
VOL. 9704 PG. 211

FRONT GATE UNIT 2CQ
VOL. 9704 PG. 211

FRONT GATE UNIT 2CR
VOL. 9704 PG. 211

FRONT GATE UNIT 2CS
VOL. 9704 PG. 211

FRONT GATE UNIT 2CT
VOL. 9704 PG. 211

FRONT GATE UNIT 2CU
VOL. 9704 PG. 211

FRONT GATE UNIT 2CV
VOL. 9704 PG. 211

FRONT GATE UNIT 2CW
VOL. 9704 PG. 211

FRONT GATE UNIT 2CX
VOL. 9704 PG. 211

FRONT GATE UNIT 2CY
VOL. 9704 PG. 211

FRONT GATE UNIT 2CZ
VOL. 9704 PG. 211

FRONT GATE UNIT 2DA
VOL. 9704 PG. 211

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VOL. 9704 PG. 211

FRONT GATE UNIT 2DC
VOL. 9704 PG. 211

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VOL. 9704 PG. 211

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VOL. 9704 PG. 211

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VOL. 9704 PG. 211

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VOL. 9704 PG. 211

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VOL. 9704 PG. 211

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VOL. 9704 PG. 211

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VOL. 9704 PG. 211

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VOL. 9704 PG. 211

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VOL. 9704 PG. 211

FRONT GATE UNIT 2DM
VOL. 9704 PG. 211

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VOL. 9704 PG. 211

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VOL. 9704 PG. 211

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VOL. 9704 PG. 211

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VOL. 9704 PG. 211

FRONT GATE UNIT 2DR
VOL. 9704 PG. 211

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VOL. 9704 PG. 211

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VOL. 9704 PG. 211

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VOL. 9704 PG. 211

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VOL. 9704 PG. 211

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VOL. 9704 PG. 211

FRONT GATE UNIT 2DX
VOL. 9704 PG. 211

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VOL. 9704 PG. 211

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VOL. 9704 PG. 211

FRONT GATE UNIT 2EA
VOL. 9704 PG. 211

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VOL. 9704 PG. 211

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VOL. 9704 PG. 211

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VOL. 9704 PG. 211

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VOL. 9704 PG. 211

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VOL. 9704 PG. 211

FRONT GATE UNIT 2EG
VOL. 9704 PG. 211

FRONT GATE UNIT 2EH
VOL. 9704 PG. 211

FRONT GATE UNIT 2EI
VOL. 9704 PG. 211

FRONT GATE UNIT 2EJ
VOL. 9704 PG. 211

FRONT GATE UNIT 2EK
VOL. 9704 PG. 211

FRONT GATE UNIT 2EL
VOL. 9704 PG. 211

FRONT GATE UNIT 2EM
VOL. 9704 PG. 211

FRONT GATE UNIT 2EN
VOL. 9704 PG. 211

FRONT GATE UNIT 2EO
VOL. 9704 PG. 211

FRONT GATE UNIT 2EP
VOL. 9704 PG. 211

FRONT GATE UNIT 2EQ
VOL. 9704 PG. 211

FRONT GATE UNIT 2ER
VOL. 9704 PG. 211

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VOL. 9704 PG. 211

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VOL. 9704 PG. 211

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VOL. 9704 PG. 211

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VOL. 9704 PG. 211

FRONT GATE UNIT 2EW
VOL. 9704 PG. 211

FRONT GATE UNIT 2EX
VOL. 9704 PG. 211

FRONT GATE UNIT 2EY
VOL. 9704 PG. 211

FRONT GATE UNIT 2EZ
VOL. 9704 PG. 211

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VOL. 9704 PG. 211

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VOL. 9704 PG. 211

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VOL. 9704 PG. 211

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VOL. 9704 PG. 211

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VOL. 9704 PG. 211

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VOL. 9704 PG. 211

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VOL. 9704 PG. 211

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VOL. 9704 PG. 211

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VOL. 9704 PG. 211

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VOL. 9704 PG. 211

FRONT GATE UNIT 2FM
VOL. 9704 PG. 211

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VOL. 9704 PG. 211

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VOL. 9704 PG. 211

FRONT GATE UNIT 2FP
VOL. 9704 PG. 211

FRONT GATE UNIT 2FQ
VOL. 9704 PG. 211

FRONT GATE UNIT 2FR
VOL. 9704 PG. 211

FRONT GATE UNIT 2FS
VOL. 9704 PG. 211

FRONT GATE UNIT 2FT
VOL. 9704 PG. 211

FRONT GATE UNIT 2FU
VOL. 9704 PG. 211

FRONT GATE UNIT 2FV
VOL. 9704 PG. 211

FRONT GATE UNIT 2FW
VOL. 9704 PG. 211

FRONT GATE UNIT 2FX
VOL. 9704 PG. 211

FRONT GATE UNIT 2FY
VOL. 9704 PG. 211

FRONT GATE UNIT 2FZ
VOL. 9704 PG. 211

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VOL. 9704 PG. 211

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VOL. 9704 PG. 211

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VOL. 9704 PG. 211

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VOL. 9704 PG. 211

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VOL. 9704 PG. 211

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VOL. 9704 PG. 211

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VOL. 9704 PG. 211

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VOL. 9704 PG. 211

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VOL. 9704 PG. 211

FRONT GATE UNIT 2GP
VOL. 9704 PG. 211

FRONT GATE UNIT 2GQ
VOL. 9704 PG. 211

FRONT GATE UNIT 2GR
VOL. 9704 PG. 211

FRONT GATE UNIT 2GS
VOL. 9704 PG. 211

FRONT GATE UNIT 2GT
VOL. 9704 PG. 211

FRONT GATE UNIT 2GU
VOL. 9704 PG. 211

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CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

May 16, 2019

AGENDA TOPIC: Discussion and possible action approving the Second Reading of an Ordinance adopting the City's Backflow Prevention Program

DATE: May 16, 2019

DEPARTMENT: Public Works

PRESENTED BY: Melissa Castro, Environmental Compliance Manager

INTRODUCTION/BACKGROUND:

Backflow is defined as the undesirable reversal of flow of water or mixtures of water and other liquids, gases or other substances into a public water system. This situation can introduce pollutants and contaminants which can then present a health hazard to the customers that utilize the potable water supply.

The City of Fair Oaks Ranch currently relies on the City Council adopted International Plumbing Code as the primary means of cross-connection control and backflow prevention. In an effort to formalize the City's program, the Public Works Department delivered presentations to City Council on August 2, 2018, October 18, 2018, November 15, 2018, February 21, 2019, and March 21, 2019.

The March 21, 2019 Council Meeting discussion over the proposed ordinance brought the following changes:

- 1) The testing frequency for backflow prevention assemblies which are installed to provide protection against non-health hazards has been changed to biennial (every two (2) years);
- 2) The recordkeeping requirement which stated that customers must maintain all records related to backflow prevention assembly installation, testing, and maintenance for a minimum of three (3) years has been deleted; and
- 3) The right of entry subsection, subsection (m), has been updated to include language regarding administrative search warrants due to prevented access and cases of public health and safety emergencies.

The proposed ordinance adopts a cross-connection control and backflow prevention program that will protect the City's public water system from the possibility of contamination or pollution, and will allow the City to comply with Title 30 of the Texas Administrative Code, Chapter 290, Subchapter D: Rules and Regulations for Public Water Systems which requires that all public water systems maintain a cross-connection control program. Highlights of the proposed program include annual testing of assemblies which are installed to provide protection against health hazards; biennial testing of assemblies which are installed to provide protection against non-health hazards; requirements for City-registered backflow prevention assembly testers; customer service inspections, which allow for the identification and prevention of cross-connections and contaminants; and enforcement options.

The following changes were made to the proposed ordinance at the First Reading on April 18, 2019:

1. The testing frequency for backflow prevention assemblies which are installed to provide protection against non-health hazards has been changed from biennial (every two (2) years) to triennial (every three (3) years); and
2. Subsection (g)(2) and (g)(3) have been updated to include language that requires testing within the first year of the effective date of the ordinance, and at the specified testing frequency thereafter which is determined by the hazard present.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

The Texas Commission on Environmental Quality requires all public water systems to maintain a cross-connection control program that protects the distribution system delivering drinking water to homes and businesses.

The proposed Cross-Connection Control and Backflow Prevention Program will proactively protect the City's public water system.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

City staff will be capable of delivering this program with the help of a third-party company that will handle the administrative tasks.

LEGAL ANALYSIS:

City's legal team reviewed and approved to form on April 8, 2019.

RECOMMENDATION/PROPOSED MOTION:

I recommend the approval of the Second Reading of an Ordinance adopting a Cross-Connection Control and Backflow Prevention Program.

AN ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH ESTABLISHING A CROSS-CONNECTON CONTROL AND BACKFLOW PREVENTION PROGRAM FOR THE CITY OF FAIR OAKS RANCH; PROVIDING FOR SEVERABILITY AND REPEAL CLAUSES; PROVIDING FOR A PENALTY NOT EXCEEDING \$2000 PER VIOLATION PER DAY FOR NONCOMPLIANCE; AND PROVIDING FOR AN EFFECTIVE DATE OF OCTOBER 1, 2019.

WHEREAS, the City of Fair Oaks Ranch (the "City") seeks to protect its public water system from the possibility of contamination or pollution by isolating contaminants or pollutants that could backflow into the public water system;

WHEREAS, the City seeks to provide for the maintenance of a continuing program of cross-connection control and backflow prevention that will systemically and effectively prevent the contamination or pollution of the City's public water system; and

WHEREAS, the City seeks to comply with Title 30 of the Texas Administrative Code, Chapter 290, Subchapter D: Rules and Regulations for Public Water Systems which prohibits public water systems from connecting to an actual or potential contaminant hazard without first protecting the potable water supply.

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

That the City Council hereby adopts a Cross-Connection Control and Backflow Prevention Program for the City of Fair Oaks Ranch, Texas.

(a) Purpose.

- (1) Protect the City's public water system from the possibility of contamination or pollution by isolating contaminants or pollutants that could backflow into the public water system;
- (2) Provide for the maintenance of a continuing program of cross-connection control and backflow prevention which will systematically and effectively prevent the contamination or pollution of the City's public water system; and
- (3) Comply with Title 30 of the Texas Administrative Code, Chapter 290, Subchapter D: Rules and Regulations for Public Water Systems which prohibits public water systems from connecting to an actual or potential contaminant hazard without first protecting the potable water supply.

(b) Definitions.

For the purposes of this program, the following definitions shall apply unless the context of their usage clearly indicates otherwise:

Air gap. The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet conveying water to a tank, fixture, receptor, sink, or other assembly and the flood level rim of the receptacle. The vertical, physical separation must be at least twice the diameter of the water supply outlet; in no case less than three (3) inches.

Auxiliary water supply. Any water source or supply other than the City's public water system that may be available to the customer or on the customer's property, including, but not limited to, ground water, surface waters, a water supply from another public water system, or used waters.

Backflow. The undesirable reversal of flow of water or mixtures of water and other liquids, gases, or other substances into the public water system.

Backflow prevention assembly or assembly. Any assembly used to prevent backflow into a public water system. The type of assembly used is based on the existing or potential degree of health hazard and backflow condition.

City. City of Fair Oaks Ranch, Texas

Contamination. The presence of any foreign substance (organic, inorganic, radiological, or biological) in water which tends to degrade its quality so as to constitute a health hazard.

Cross-connection. A physical connection between a public water system and either another supply of unknown or questionable quality, any source which may contain contaminating or polluting substances, or any source of water treated to a lesser degree in the treatment process.

Customer. Any person, individual, partnership, company, corporation, association, organization or other legal entity receiving water supplied by Fair Oaks Ranch Utilities.

Customer service inspection. An inspection for the purpose of identifying and preventing cross-connections and/or actual or potential contaminant hazards.

Health hazard. An actual or potential threat of contamination to the public water system that would present a threat to the health of the consumer.

Non-health hazard. An actual or potential threat of pollution to the public water system by an aesthetically objectionable but non-toxic substance.

Non-potable water. Water that is not suitable for human consumption.

Pollution. The presence of any foreign substance in water which tends to degrade its quality so as to constitute a non-health hazard or impair the usefulness of the water.

Public water system. A system for the provision of water to the public as defined in Title 30 of the Texas Administrative Code, Chapter 290.

Recognized backflow prevention assembly tester. A person who is licensed by the Texas Commission on Environmental Quality to test backflow prevention assemblies and registered with the City, in accordance with the City's policies and procedures.

Reduced-pressure principle backflow prevention assembly. An assembly containing two independently acting approved check valves together with a hydraulically operating mechanically independent pressure differential relief valve located between the two check valves and below the first check valve.

Service connection. The point of delivery up to and including water meters through which the public water system provides water to the customer.

(c) General.

- (1) No water service connection shall be made to any establishment where an actual or potential contaminant hazard exists unless the City's public water system is protected in accordance with the Texas Commission on Environmental Quality Rules and Regulations for Public Water Systems and this Ordinance.
- (2) The Texas Commission on Environmental Quality Rules and Regulations referred to herein shall mean those in effect at the effective date of this Ordinance and any other subsequent approved amendments, or those made effective by any successor regulatory agency of the state.

(d) Designation of program coordinator. The program coordinator shall be designated by the City Manager or his/her designee. It shall be the coordinator's responsibility to implement the provisions of this Ordinance and other appropriate sections pertaining to cross-connection control and backflow prevention. The coordinator is authorized and directed to develop such policies and procedures that are reasonably necessary to provide for the effective and efficient implementation of this Ordinance.

(e) Right-of-way encroachment.

- (1) No person shall install or maintain a backflow prevention assembly upon or within any City right-of-way unless authorized by the City Manager or his/her designee, provided as follows:
 - (A) The City retains the right to approve the location, height, depth of enclosure, and other requisites of the assembly prior to its installation.
 - (B) All applicable permits and inspections required by the City's Building Codes Department shall be obtained.
 - (C) The assembly shall be installed in accordance with the manufacturer's instructions and the American Water Works Association's Recommended Practice for Backflow Prevention and Cross-Connection Control ("Manual M14"). Any assembly or portion of an assembly that extends above ground shall be located no closer than eighteen (18) inches to the face of the curb or edge of pavement.
 - (D) The City shall not be liable for any damage to a backflow prevention assembly installed in any City right-of-way.
 - (E) A customer shall, at the request of the City and at the customer's expense, relocate a backflow prevention assembly which encroaches upon a City right-of-way when such relocation is necessary for street or utility construction or repairs for purposes of public safety.
 - (F) A person commits an offense if, after receiving a written notice from the City, he or she fails to relocate a backflow prevention assembly located in or upon a City right-of-way.

- (f) Multiple connections. Any property requiring multiple service connections for adequacy of supply and/or fire protection will require installation of a backflow prevention assembly on each of the service lines where a cross-connection hazard exists. The type of assembly will be determined by the existing or potential degree of health hazard and backflow condition.
- (g) Backflow prevention assembly installation, testing, and maintenance.
- (1) All backflow prevention assemblies shall be tested and certified to be operating within specifications upon installation, repair, relocation, or replacement by a recognized backflow prevention assembly tester. Test and maintenance reports shall be submitted, in accordance with the City's policies and procedures, within ten (10) business days of the test.
 - (2) Within the first year of the effective date of the Ordinance, and every year after, backflow prevention assemblies which are installed to provide protection against health hazards must also be tested and certified to be operating within specifications by a recognized backflow prevention assembly tester. Test and maintenance reports shall be submitted, in accordance with the City's policies and procedures, within ten (10) business days of the test.
 - (3) Within the first year of the effective date of the Ordinance and every 3 years after, backflow prevention assemblies which are installed to provide protection against non-health hazards must also be tested and certified to be operating within specifications by a recognized backflow prevention assembly tester. Test and maintenance reports shall be submitted, in accordance with the City's policies and procedures, within ten (10) business days of the test.
 - (4) All backflow prevention assemblies shall be installed and tested in accordance with the manufacturer's instructions, Manual M14, or the University of Southern California's Manual of Cross-Connection Control.
 - (5) The City shall not be liable for any damage to a backflow prevention assembly that occurs during testing.
 - (6) No backflow prevention assembly shall be removed from use, relocated, or other assembly substituted without the approval of the City.
 - (7) All backflow prevention assemblies installed after the effective date of this Ordinance shall be installed in a manner designed to facilitate ease of inspection, testing, and records examination by the City. Any currently installed backflow prevention assemblies, which are located in inaccessible locations or where the tester is subject to physical danger, based on the judgement of the City Manager or his/her designee, shall be relocated at the expense of the customer.
 - (8) Test gauges used for backflow prevention assembly testing shall be calibrated on an annual-basis in accordance with Manual M14, current edition, or the University of Southern California's Manual of Cross-Connection Control, current edition.
 - (9) All backflow prevention assembly testers operating within the City shall be licensed in accordance with all applicable regulations of the Texas Commission on Environmental

Quality, and registered with the City. To complete registration, the backflow prevention assembly tester shall provide proof of the following items:

- (A) Texas Commission on Environmental Quality license;
- (B) Calibration of testing equipment; and
- (C) General liability insurance policy in the amount of at least \$300,000.

(10) Revocation of Registration

- (A) A backflow prevention assembly tester's registration may be reviewed and revoked by the City if it is determined that the tester has:
 - i. Falsely, incompletely, or inaccurately reported test and maintenance reports;
 - ii. Used improper testing procedures; or
 - iii. Created a threat to public health or the environment.
- (B) A backflow prevention assembly tester whose registration is revoked under this subsection may appeal the revocation of the permit pursuant to Sec. 13.06.008 (entitled "appeal procedure") of the City Code of Ordinances.

(11) The City will maintain a current list of recognized backflow prevention assembly testers, which will be made available upon request.

- (h) Cost of compliance. The cost of complying with this Ordinance shall be the responsibility of the customer. These costs include but are not limited to purchasing, installation, testing, and repair of the assembly.
- (i) Landscape irrigation systems. All applicable permits and inspections required by the City's Building Codes Department shall be obtained for all landscape irrigation system installations. Installations must comply with the City's current plumbing code and water conservation plan.
- (j) Fire-hydrant protection. A reduced-pressure principle backflow prevention assembly shall be the minimum protection for fire-hydrant water meters that are being used for a temporary water supply during any construction activity or other uses which would pose a potential hazard to the public water system. It is the responsibility of the customer engaging in the use of a fire-hydrant water meter to abide by the conditions of this Ordinance.
- (k) Rainwater harvesting systems. Any customer who has a cross-connection between the City's public water system and a rainwater harvesting system shall install an air gap to prevent non-potable water from entering the public water system. All piping that contains non-potable water shall be clearly labeled ("NON-POTABLE WATER").
- (l) Customer service inspections.
 - (1) A customer service inspection shall be completed prior to Fair Oaks Ranch Utilities providing continuous water service to all new construction, or on any existing service

connection when the City has reason to believe that cross-connections and/or actual or potential contaminant hazards exist.

(2) Only individuals with the following credentials shall be recognized as capable of conducting a customer service inspection:

(A) Plumbing inspectors and water-supply-protection specialists that have been licensed by the Texas State Board of Plumbing Examiners; or

(B) Customer service inspectors that hold a current license issued by the Texas Commission on Environmental Quality.

(3) The customer service inspection must certify that:

(A) No direct connection between the City's public water system and a potential source of contamination exists. Potential sources of contamination shall be isolated from the public water system by a properly installed air gap or an appropriate backflow prevention assembly;

(B) No cross-connection between the public water system and an auxiliary water supply exists. A properly installed air gap shall be maintained between the public water system and an auxiliary water supply; and

(C) No connection exists which allows water to be returned to the public water system.

(m) Right of entry. The City may enter a customer's property, upon written or verbal request, to gain access to a cross-connection, backflow prevention assembly, or piping for the purpose of determining compliance with this Ordinance. The City's right of entry is a condition of a customer's water service. The customer connected to the public water system shall make all necessary arrangements, at his/her own expense, to remove without delay any security barrier or other obstacles that prevent access. If right of entry is denied by a customer or access is unreasonably delayed, an administrative search warrant may be pursued under the conditions of this Ordinance or the law. In the event the City Manager determines an emergency affecting public health and safety, the City may access the customer's property without the necessity of a warrant, or may immediately discontinue water service to the property where such emergency exists.

(n) Repeal. All ordinances that are in conflict with the provisions of this Ordinance are hereby repealed, and all other ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect.

(o) Severability. The phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

(p) Enforcement. If a customer fails to comply with any terms of this Ordinance, the City may, upon due notice to the customer, pursue any or all of the following actions:

- (1) Based on the judgement of the City Manager or his/her designee, discontinue water service to the property where such violations occur. Services discontinued under such circumstances shall be restored only upon compliance with this Ordinance; payment of disconnection and reconnection charges, as set forth in Appendix A of the Code of Ordinances; and any other costs incurred by the City in discontinuing service.
 - (2) Enforce violations of this Ordinance as Class C misdemeanors. Proof of a culpable mental state is not required for conviction of an offense under this Ordinance. Upon conviction, any person violating this Ordinance is punishable by a fine not exceeding two thousand dollars (\$2,000). Each day that one or more of the provisions in this Ordinance is violated shall constitute a separate offense.
 - (3) Enforce this Ordinance by injunction, declaratory relief, or other action at law or in equity.
- (q) Effective date. This Ordinance shall take effect October 1, 2019 and after publication as required by law and City Charter.

PASSED and APPROVED on first reading this the 18th day of April, 2019.

PASSED, APPROVED and ADOPTED on second reading this the 16th day of May, 2019.

Garry Manitzas, 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

May 16, 2019

AGENDA TOPIC: Consideration and possible action declaring unused city-owned office furniture and equipment as surplus and authorizing disposal

DATE: May 16, 2019

DEPARTMENT: Administration

PRESENTED BY: Assistant City Manager

INTRODUCTION/BACKGROUND:

During the progression of the city buildings remodel project we've located in the old police building various office furniture that due to their structural and unsanitary condition have exceeded their usefulness:

- Bookcases
- Chairs
- Desks

The City of Fair Oaks Ranch has no ordinance or resolution governing the sale of personal property and there is no provision in the statutes or the City Charter regulating the sale of personal property belonging to municipalities. In addition, the Texas Constitution prohibits municipalities from giving public money or anything of value in aid of an individual, association, or corporation.

Commonly, the two methods used to dispose of municipal-owned personal property, declared surplus, is by refuse or auction. Due to the unsafe and unsanitary condition of the furniture, staff believes it's in the best interest of the City to dispose of the pieces by refuse.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

1. Eliminates a future expense of off-site storage space.
2. Allows for an effective continuance of the city building remodel project.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

1. Refuse incurs no expense as Republic Services is providing a roll off for disposal, free of charge.

LEGAL ANALYSIS:

N/A

RECOMMENDATION/PROPOSED MOTION:

I move that we declare the unusable office furniture as surplus and authorize city staff to dispose of by refuse.



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
May 16, 2019

AGENDA TOPIC: Consideration and possible action authorizing the destruction of certain city records

DATE: May 16, 2019

DEPARTMENT: Administration

PRESENTED BY: Christina Picioccio, City Secretary

INTRODUCTION/BACKGROUND:

It has become apparent in the process of readying the old police building for renovations that there are building code and utility records that have exceeded their life expectancy according to the state retention schedule (Attachment A). Due to the unsanitary conditions of these files and lack of space, staff requests approval for their destruction. Current City Ordinance requires council approval prior to purging city records.

Staff will utilize a commercial shredding company to perform the destruction of the records and to provide the required certificate of destruction.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

Compliance with State Law and City Ordinance.

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

Cost is estimated not to exceed \$500.00.

LEGAL ANALYSIS:

N/A

RECOMMENDATION/PROPOSED MOTION:

I move to authorize the destruction of city records as provided in Attachment A.

City Records Stored in the Old Police Building Eligible for Destruction May 2019

From the 2001 approved records retention list

BUILDING CODES RECORDS

Retention Period (Years)	Record No.	Record Title	Records Prior To:
2	5250-01b	Blueprints & Specifications – Residential	2017
2	5250-01c	Blueprints & Specifications – Miscellaneous	2017
6	5250-04a	Building Permit Applications	2013
4	5250-08	Building Inspection Reports	2013
4	5250-11b	Reports of Building Permits Issued for US Census Bureau – Monthly	2015

UTILITY SERVICE RECORDS

Retention Period (Years)	Record No.	Record Title	Records Prior To:
4	5000-04	Customer Billing Records	2015
4	5000-11	Meter Reading Records	2015
2	5000-19	Work Orders	2017



**FAIR OAKS RANCH CITY COUNCIL
CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
May 16, 2019**

AGENDA TOPIC: Discussion regarding effective budgeting of salary and wages
DATE: May 16, 2019
DEPARTMENT: City Council
PRESENTED BY: Councilmember Hartpence, Place 3

INTRODUCTION/BACKGROUND:

Councilmember Hartpence requested this agenda item.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

TBD

LONGTERM FINANCIAL & BUDGETARY IMPACT:

TBD

LEGAL ANALYSIS:

TBD

RECOMMENDATION/PROPOSED MOTION:

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

Tobin Maples

From: Steve Hartpence
Sent: Wednesday, May 08, 2019 1:48 PM
To: Tobin Maples
Cc: Sarah Buckelew
Subject: Inclusion of an unfilled position offset in the upcoming budget

When we briefly discussed this at last week's Council meeting, I got the sense from you that this is not an accepted practice for government budgets even though it is common in the private sector. I believe, but could be mistaken, that you referred to GFOA guidelines as the reason for this. Taking a look at those guidelines shows that they do support the practice of accounting for the obvious fact that we will never be at full headcount for the year: <https://www.gfoa.org/effective-budgeting-salary-and-wages>. Although the document doesn't expressly forbid budgeting for full headcount, it certainly leans against it. Here are some excerpts:

Given the funding constraints governments are facing, accurate expenditure projections are more important than ever. Since salaries make up the greatest portion of the expenditure budget, it is logical to apply forecasting techniques that can provide a true picture of where payroll dollars are headed.

GFOA encourages every government to consider forecasting procedures that would result in more accurate expenditure projections, especially as they relate to personnel.

Not all positions will be filled 52 weeks per year, so expected vacancies need to be addressed in the salary budget.

Hopefully you will agree to take unfilled positions into account as part of the budget prep which would allow us to drop the discussion from next week's meeting. Otherwise, I would like to work with you on the wording of the agenda item.

Thanks,

Steve

Councilman Hartpence has requested a discussion of the merits of budgeting for the unplanned vacancies that occur each year which generally result in overstating personnel expense. Following is an excerpt from a GFOA best practice advisory. The yellow highlights are from Councilman Hartpence.

Effective Budgeting of Salary and Wages

Type: Best Practice

Background:

Given the funding constraints governments are facing, accurate expenditure projections are more important than ever. Since salaries make up the greatest portion of the expenditure budget, it is logical to apply forecasting techniques that can provide a true picture of where payroll dollars are headed. Another consequence of slowing revenues is the need for greater control over expenditures. Governments can use various mechanisms to manage headcount levels in light of cost constraints.

Recommendation:

GFOA encourages every government to consider forecasting procedures that would result in more accurate expenditure projections, especially as they relate to personnel. The items shown below provide governments with the areas in which they should consider adopting practices to more effectively budget salary and wages. Additionally, in order to analyze total compensation, benefits need to be considered.

Personnel Tracking System. Budget payroll projections are based on the estimate of budgeted positions for the year, so providing the correct number of budgeted positions is important. The system to track budgeted positions may reside in the human resources department rather than the budget department, so it is vital that the departments work together to be consistent in reporting. The system should be able to track all types of employees, not just full-time.

Vacancy Adjustments. Not all positions will be filled 52 weeks per year, so expected vacancies need to be addressed in the salary budget. In doing so, however, governments should consider developing policies on how to treat these vacancies. If the government fully funds salaries associated with vacancies, it is building some potential cushion into the budget. Items to consider:

Start Dates. Expected start dates for open positions may vary. Keeping track of those assumptions is important because a large dollar variance may result when an actual start date differs from the budgeted date.

Trends. Since most governments experience some vacancies during the year, it may be prudent to include a hiring lag in the budget. One way to determine the dollar impact of this lag is to review trends (average filled positions per year versus average vacant positions). This analysis can be conducted at the department level or broken out by individual position. In forecasting open positions, organizations should keep in mind that technical or higher level positions are usually harder to fill.

Frozen or Eliminated Positions. Many open positions are intentionally being left vacant. While some of these positions may be eliminated before the start of the fiscal year, other positions may be temporarily frozen once the fiscal year begins. The dollars saved by not filling these positions should be quantified. If the positions being eliminated are currently filled, then the government might also need to include severance payouts in the budget. Governments are also using furloughs as a means to reduce expenditures. Those cost savings should be identified as well.

Funded Versus Unfunded Positions. Not every position that is requested gets approved. Approved, or funded, positions — along with the money to pay for them — are included in the budget. Unfunded positions, or those that were requested but not approved, should be noted, especially if management decides at some point to reconsider some of those denied position requests. Departments often include new positions in their budget requests, typically in the departmental request stage. In detailing new positions in the final budget presentation, it is useful to categorize them as funded or unfunded. This way, budget decision makers can clearly identify those unfilled positions that do not have budget dollars available. The budgetary implications of not funding those positions could also be shown.

Attrition (Planned Retirements). Budget consideration should be given for those positions where employees have indicated specific retirement dates. Payouts need to be budgeted. Also, if governments use retirement incentives, the potential loss in quality of service should be considered.

COMPARISON OF HOUSEHOLD HAZARDOUS WASTE COLLECTION EVENTS

EVENT SUMMARY REPORT - MARCH 16, 2019

Collection Site Summary	
Participants (vehicles)	168
Weight (pounds)	10,262
Weight per Participant	61.08
Cost	\$32,494
Cost per Participant	\$193

EVENT SUMMARY REPORT - AUGUST 25, 2018

Collection Site Summary	
Participants (vehicles)	412
Weight (pounds)	69,532
Weight per Participant	169.00
Cost	\$92,300
Cost per Participant	\$224

Wastestream	Total Weight (Lbs)
Flammable Liquids	939
Pesticides/ Herbicides	1,557
Others: Aersols, Bulbs, Oil, Acids, etc.	2,520
Paint and Related Material	5,246

TOTAL 10,262

Wastestream	Total Weight (Lbs)
Flammable Liquids	4,525
Pesticides/ Herbicides	4,700
Others: Aersols, Bulbs, Oil, Acids, etc.	8,107
Paint and Related Material	52,200

TOTAL 69,532