

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

March 21, 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. 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 March 7, 2019 Special Joint Council and P&Z Public Hearing Minutes. Pg. 3
- B. Approval of March 7, 2019 Regular City Council Meeting Minutes. Pgs. 4-6
- C. Approval of Council Member Hartpence's absence for the March 21, 2019 Council Meeting. Pg. 7
- D. Approval of Council Member Koerner's absence for the March 21, 2019 Council Meeting. Pg. 8

IV. PUBLIC HEARING

- A. Conduct a public hearing of the Fair Oaks Montessori School Final Replat. Pgs. 9-10
 - 1. Staff presentation of the proposed replat application
 - 2. Applicant presentation of the proposed replat application
 - 3. Mayor opens the public hearing
 - 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

V. DISCUSSION/CONSIDERATION ITEMS

- A. Discussion and possible action approving the First Reading of an Ordinance adopting the City's Unified Development Code. Tobin Maples, City Manager Pgs. 11-17
- B. Discussion and possible action approving the First Reading of an Ordinance extending the agreement with Acadian Ambulance Service of Texas for EMS services and authorizing the City Manager to sign the agreement. Police Chief Rubin Pgs. 18-20

- C. Discussion and possible action to approve Fair Oaks Montessori School Final Replat.
Adrian Garcia, P.E., Manager of Engineering Services Pgs. 21-23
- D. Discussion and possible action to approve a preliminary plat that establishes Front Gate 2B.
Adrian Garcia, P.E., Manager of Engineering Services Pgs. 24-27
- E. Discussion and possible action regarding Bond Series 2015 Surplus.
Sarah Buckelew, Finance Director Pgs. 28-38

VI. REPORTS FROM STAFF / COMMITTEES / COUNCIL

- A. Capital Improvements Advisory Committee Semi-Annual Reports: September 26, 2018 & March 6, 2019.
John Merritt, CIAC President Pgs. 39-40
- B. Street Maintenance Work Options.
Adrian Garcia, P.E., Manager of Engineering Services Pg. 41
- C. Update on Backflow Prevention Education Outreach Plan.
Melissa Castro, Environmental Compliance Manager Pgs. 42-43
- D. Update on FM 3351 Strategic Planning Team Activities. Tobin Maples, City Manager

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.

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, March 18, 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
JOINT CITY COUNCIL and PLANNING AND ZONING COMMISSION
PUBLIC HEARING MINUTES
March 7, 2019
7286 Dietz Elkhorn
Fair Oaks Ranch, TX 78015**

I. OPEN MEETING

A. Roll Call – Declaration of a Quorum

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

A quorum was present.

Commission Members:

Present: Chairperson Rey
Commissioners: Barnes, Fothergill, Horwath, and Leonard

Absent: Vice Chairperson Trapasso and Commissioner Pearson

A quorum was present and the Special Joint Workshop was called to order at 6:30 PM.

II. PURPOSE OF THE JOINT PUBLIC HEARING

- A. The City Council and the Planning and Zoning Commission conducted a joint public hearing to receive public testimony regarding the proposed Unified Development Code (UDC).
- a. Opening comments were provided by Mayor Manitzas.
 - b. Jeff Barton, Gap Strategies Consultant, provided an overview of the UDC inclusive of walking through two “real-world” examples to illustrate how the UDC will be used during the development process. Consultant responded to Council and P&Z Commissioners questions.
 - c. Mayor Manitzas opened the public hearing at 7:29 PM.
 - d. There was no public testimony.
 - e. The Mayor closed the public hearing at 7:30 PM.
 - f. There was no discussion between Council and P&Z Commission.

III. ADJOURNMENT

Mayor Manitzas adjourned the meeting at 7:30 PM.

Garry Manitzas, Mayor

ATTEST:

Christina Picioccio, City Secretary

**CITY OF FAIR OAKS RANCH
CITY COUNCIL MEETING MINUTES
March 7, 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 7:42 PM.

B. The Pledge of Allegiance was led by the City's Building Code Administrative Assistant and recent recipient of Employee of the Year, Rachel Brown.

II. CITIZENS and GUEST FORUM / PRESENTATIONS

A. City Manager Tobin Maples introduced to the council and the community, Joanna Merrill, the City's new Director of Human Resources and Communications.

B. Arthur Waterman, returning resident, introduced himself to the council and indicated his interest in being involved in the city in some capacity.

III. CONSENT AGENDA

A. Approval of February 21, 2019 Regular City Council Meeting Minutes.

B. Approval of Council Member Maxton's absence for the February 21, 2019 Regular City Council Meeting.

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

IV. DISCUSSION/CONSIDERATION ITEMS

A. Presentation of Certificate of Unopposed Candidates and consideration and possible action approving a Resolution Declaring Unopposed Candidates Places 3, 4, and 5 in the May 4, 2019 General Election elected to office and cancelling said General Election.

MOTION: Made by Council Member Elizondo, seconded by Council Member Koerner to approve a Resolution declaring the unopposed candidates, in the May 4, 2019 General Election, elected to office and cancelling said General Election.

VOTE: 7-0; Motion Passed.

B. Discussion and possible action creating an Audit Committee Formation Group.

MOTION: Made by Mayor Pro Tem Havard, seconded by Council Member Hartpence to approve the Mayor's nominations of the following individuals to the Initial Audit Committee: Mayor Garry Manitzas, Council Member Roy Elizondo, and Council Member Greg Maxton.

VOTE: 7-0; Motion Passed.

C. Discussion and possible action to approve a Fire Inspector Services Agreement and to authorize the City Manager to execute the Agreement.

MOTION: Made by Council Member Koerner, seconded by Council Member Maxton to approve the professional services agreement for fire inspection services and authorize the City Manager to execute the agreement.

VOTE: 7-0; Motion Passed.

D. Discussion and possible action on approving the Penalty Clause Committee guidelines, a committee member application, and the determination of appointment method.

MOTION: Made by Council Member Patel, seconded by Mayor Pro Tem Havard to approve the Penalty Clause Committee guidelines, committee member application and method of member appointments.

AMENDED MOTION:

Made by Council Member Elizondo, seconded by Council Member Patel to approve the discussion item with the following amendments:

1. Title Change to Home Rule Charter Penalty Clause Committee.
2. Attachment A - Purpose and Scope of Work – No. 1: to add “US Constitution”.
3. Attachment A – Membership and Term – No. 3: Change “completion of final report” to “acceptance of final report”.
4. Attachment B – Application: to change “citizen” to “resident”.

VOTE: 7-0; Motion Passed.

VOTE ON ORIGINAL MOTION:

7-0; Motion Passed.

E. Discussion and possible action approving a Resolution supporting the Texas Department of Transportation’s efforts to secure additional state funding for safety improvements along FM 3351 (Ralph Fair Road).

MOTION: Made by Council Member Koerner, seconded by Council Member Elizondo to approve a Resolution supporting the Texas Department of Transportation’s efforts to secure additional state funding for safety improvements along Ralph Fair Road.

VOTE: 7-0; Motion Passed.

V. REPORTS FROM STAFF / COMMITTEES / COUNCIL

None

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. City Council convened into close session at 8:36 PM regarding 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.

VII. RECONVENE INTO OPEN SESSION

Mayor Manitzas reconvened into open session at 9:13 PM.

MOTION: Made by Council Member Elizondo, seconded by Council Member Maxton to engage the law firm of Branscomb PC to assist with the resolution of claims made against the City's groundwater supply.

VOTE: 7-0; Motion Passed

VIII. ADJOURNMENT

Mayor Manitzas adjourned the meeting at 9:17 PM.

Garry Manitzas, Mayor

ATTEST:

Christina Picioccio, City Secretary



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
March 21, 2019

AGENDA TOPIC: Approval of Council Member Hartpence's absence from the March 21, 2019 Council Meeting.

DATE: March 21, 2019

DEPARTMENT: City Council

PRESENTED BY: Consent Agenda - Council Member Hartpence

INTRODUCTION/BACKGROUND:

Due to being out of town.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

Section 3.09 of the Home Rule Charter

LONGTERM FINANCIAL & BUDGETARY IMPACT:

N/A

LEGAL ANALYSIS:

N/A

RECOMMENDATION/PROPOSED MOTION:

(Consent Agenda) Approval of Council Member Hartpence's absence from the March 21, 2019 Council Meeting.



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
March 21, 2019

AGENDA TOPIC: Approval of Council Member Koerner's absence from the March 21, 2019 Council Meeting.

DATE: March 21, 2019

DEPARTMENT: City Council

PRESENTED BY: Consent Agenda - Council Member Koerner

INTRODUCTION/BACKGROUND:

Due to being out of town at a speaking engagement.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

Section 3.09 of the Home Rule Charter

LONGTERM FINANCIAL & BUDGETARY IMPACT:

N/A

LEGAL ANALYSIS:

N/A

RECOMMENDATION/PROPOSED MOTION:

(Consent Agenda) Approval of Council Member Koerner's absence from the March 21, 2019 Council Meeting.



**CITY COUNCIL CONSIDERATION ITEM
PUBLIC HEARING
City of Fair Oaks Ranch, Texas
March 21, 2019**

HEARING TOPIC: Public Hearing to receive public testimony on the following replat application: Fair Oaks Montessori School Replat

DATE: March 21, 2019

DEPARTMENT: Engineering Services

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

INTRODUCTION/BACKGROUND:

Sequence for conducting the public hearing is as follows:

1. Staff presentation of the proposed replat application
2. Applicant presentation of the proposed replat application
3. Mayor opens the public hearing
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

The P&Z Commission held a public hearing at their March 14, 2019 regular meeting and later in that same meeting voted to recommend approval of the final replat. The City Council is the final authority on all platting applications.

LEGAL ANALYSIS:

Section 212.014 of the Texas Local Government code states the following regarding replatting without vacating a preceding plat: "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.

RECOMMENDATION/PROPOSED MOTION:

Conduct the public hearing. No formal action is required.

Staff Report

In April 2018 a preliminary replat, establishing Fair Oaks Montessori School, was submitted to the Public Works Department by Pape-Dawson Engineers. This replat consists of 3.205 acres of a non-residential parcel. The bulk of this area is made up of a previous platted lot from the Pfeiffer Ranch Subdivision and a portion of Pfeiffer Ranch Corners, Unit 2.

After several rounds of review and comments, Pape-Dawson Engineers updated the preliminary replat and submitted their application package on July 3, 2018, for consideration. The preliminary replat was considered at the July 12, 2018 regular Planning and Zoning Commission meeting. Due to two outstanding items related to the utility service provider detail and heritage tree requirements, City staff recommended that the P&Z commission not recommend approval to the City Council. The P&Z commission voted unanimously to recommend disapproval to the City Council.

On July 19, 2018, the Tree Preservation and Protection plan for this site was considered at the regular City Council meeting. The plan called for the removal of two (2) heritage trees with six (6) trees with a caliper of 2.5" or greater to be planted to mitigate. City Council voted 5-1 to approve their Tree Preservation and Protection plan.

Prior to the August 2, 2018 regular City Council meeting, Pape-Dawson Engineers satisfied all of the outstanding items and City staff updated their recommendation to approve the preliminary replat to City Council. City Council voted unanimously to approve the preliminary replat.

In February 2019, City staff received the final replat of the Montessori School. After a round of review and comments, Pape-Dawson engineers updated their final replat package. The updated replat package satisfies the requirements in the City's subdivision ordinance.

The Public Works Department recommends approval of the final replat that establishes Fair Oaks Montessori School.



CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

March 21, 2019

AGENDA TOPIC: Discussion and possible action regarding the First Reading of an Ordinance adopting the City's Unified Development Code.

DATE: March 21, 2019

DEPARTMENT: Administration

PRESENTED BY: Jeff Barton, Gap Strategies Consultant and Tobin Maples, City Manager

INTRODUCTION/BACKGROUND:

In late 2016, the City engaged a planning team, led by Gap Strategies, to develop a series of planning tools: an update to the 2007 comprehensive plan, a Zoning Ordinance and maps, and an update of the City's subdivision regulations. Later, this charge was amended to create a Unified Development Code (UDC), re-thinking, updating, centralizing and knitting together the City's land use and land development policies – a more complex but ultimately more effective (and user-friendly) tool for the City.

Comprehensive planning and zoning considerations are key elements when it comes to implementing growth management plans. The comprehensive plan is the City's long-range plan intended to manage the growth and physical development of the community over a defined planning horizon, in our case through the projected "build out" of Fair Oaks Ranch over the next one-to-two decades. Zoning and subdivision regulations are the primary entitlement tools utilized to implement the comprehensive plan.

In FY 2017-2018, the City utilized a planning process that included broad and persistent public involvement to develop and adopt interim zoning regulations to protect the public welfare and property values while the full UDC was considered in detail by our citizens, city staff, the Planning and Zoning Commission, and the City Council.

It is important to note that the Master Drainage Plan, and the Water, Wastewater Reuse Master Plan – developed by engineering consultants in a separate but related process – are attached to the UDC as appendices. Accordingly, the appendices (Master Plans) will be adopted with the UDC.

At the March 7, 2019 City Council Regular Business Meeting, Councilman Hartpence stated he had additional questions and concerns regarding the Water, Wastewater, and Reuse Master Plan and, therefore, requested the applicable appendix be pulled from the UDC. If the UDC is approved without the Water, Wastewater, and Reuse Master Plan, Staff will process an amendment to the UDC at a future date. The amendment will be processed in the same manner utilized to adopt the UDC, inclusive of a public hearing and P&Z consideration.

By way of background, a joint public hearing (JPH) regarding the adoption of the UDC was conducted on March 7, 2019. No public testimony was offered at the March 7th JPH. On March 14, 2019, the Planning and Zoning Commission voted to recommend approval of adoption of the UDC subject to the following modifications:

- Adding a requirement that tree preservation plans be processed through the P&Z Commission for a recommendation.
- Modifications to Section 9.4 Traffic Impact Analysis to uses a threshold to trigger whether a TIA is required rather than a determination by the City Manager.
- Correction of the scribbler errors in Table 11.1

Staff concurs with the proposed modifications.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

Provides the City with the tools necessary to make informed policy decisions relative to the physical development of the City and the scheduled programming necessary to proactively plan, finance, and maintain reliable and efficient public services.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

Not applicable

LEGAL ANALYSIS:

The March 7, 2019 joint public hearing demonstrate compliance with the requirements as prescribed in the Local Government Code. The Planning and Zoning Commission recommended approval at their March 14, 2018 Regular Business Meeting.

RECOMMENDATION/PROPOSED MOTION:

I move to approve the First Reading of an ordinance adopting the UDC subject to the following modifications:

- Adding a requirement that tree preservation plans be processed through the P&Z Commission for a recommendation.
- Modifications to Section 9.4 Traffic Impact Analysis to use a threshold to trigger whether a TIA is required rather than a determination by the City Manager.
- Correction of the scribbler errors in Table 11.1.
- Others?

Or

I move to approve the First Reading of an ordinance adopting the UDC subject to the following modifications:

- Removal of the Water, Wastewater, and Reuse Master Plan appendix
- Adding a requirement that tree preservation plans be processed through the P&Z Commission for a recommendation.
- Modifications to Section 9.4 Traffic Impact Analysis to use a threshold to trigger whether a TIA is required rather than a determination by the City Manager.
- Correction of the scribbler errors in Table 11.1.
- Others?

CONSULTANT REPORT

AGENDA BACKUP

On March 7, 2019, the Planning & Zoning Commission and City Council held a joint public hearing to formally present the results of work begun last fall, when the City commissioned the Gap Strategies planning group to work with City staff and the Commission to develop a Unified Development Code (UDC) for Fair Oaks Ranch, updating, revising, and organizing the City's different development rules into one modern, cohesive set of regulations. Broadly speaking, the proposed UDC presented is the culmination of work begun by the City in 2016 and 2017, when the Council, and later a citizen stakeholder group, began work to update the City's comprehensive plan.

Community surveys completed as part of the comprehensive plan indicated a strong desire in the community for new, forward-looking development regulations to protect property values and neighborhood character in Fair Oaks Ranch. As part of the comprehensive plan effort, the City's planning team developed an interim zoning code for the City and draft recommendations for a UDC. The interim zoning ordinance was adopted unanimously by the Commission and the Council in June of 2018. Several months later, the planning team was instructed to complete work on a full UDC, expanding and integrating the City's new zoning regulations.

The regulations in the UDC are based on extensive public involvement during and after the development of the comprehensive plan, including: nearly a year of stakeholder meetings, a public design charrette, multiple town hall meetings and interactive planning events, virtual town halls, web and social-media-based comments, and a community survey. Since the final stage of the process began last fall, the Planning and Zoning Commission has conducted two public workshop sessions on the rules, plus one previous joint meeting with the City Council (on November 8, 2018). The follow-up workshop sessions were December 14, 2018, and January 11, 2019. The planning team has also met several times with City staff and updated progress on the rules on the project website, which is available both independently and through the City's website. A draft of the proposed regulations was posted to the website in advance of this meeting and notice was published in the newspaper.

The goal of this meeting is to further discuss the proposed UDC and to consider the recommendation from the P&Z to adopt the UDC, inclusive of additional instructions to the planning team and staff about any final changes or amendments you would like to see made to the UDC.

It is important to note that the Master Drainage Plan, and the Water, Wastewater Reuse Master Plan – developed by engineering consultants in a separate but related process – are attached to the UDC as appendices.

A near-final draft of the UDC was delivered to members of the Planning and Zoning Commission, and City Council members, in early February. Since then, there has been one substantial amendment. Proposed regulations for Commercial Stables have been changed. Stables are now allowed only by Special Use Permit, which would be granted by a discretionary vote of the Planning and Zoning Commission and the City Council, and they are “not allowed” in mixed use and neighborhood commercial districts. This is reflected in the land use tables. In the interim zoning ordinance, stables were not addressed; in the earlier draft of the UDC, they were allowed in most

zoning districts with Conditions, meaning they were allowed provided they met certain specific criteria. No vote by the P&Z or Council was required. Now, in addition to being designated “S” (for Special Use Permit), Commercial Stables are defined in the definitions section of the UDC. In a related change, new language affecting Special Use Permits has been added to Chapter 3, Section 3.7, subsection 3.b.ii (page 32), allowing the City to promulgate informal guidelines for certain land uses. At the meeting, the planning team will explain how this language could affect Commercial Stables and other uses, and why the changes are recommended. The latest draft of the UDC posted on the City’s public website includes the latest amendments.

AN ORDINANCE

AN ORDINANCE ADOPTING AN UNIFIED DEVELOPMENT CODE APPLICABLE TO THE SUBDIVISION, SIGNAGE, DEVELOPMENT AND USE OF LAND WITHIN THE REGULATORY JURISDICTION OF THE CITY OF FAIR OAKS RANCH AND PROVIDING FOR CRIMINAL PENALTIES FOR VIOLATION THEREOF

WHEREAS, the City of Fair Oaks Ranch is a home rule municipality; and

WHEREAS, the City of Fair Oaks Ranch has adopted zoning, subdivision and sign regulations, as well as comprehensive plans pursuant to Title 7 of the Texas Local Government Code; and

WHEREAS, City Council deems it effective and efficient to consolidate said regulations in a comprehensive code to be designated the “Unified Development Code;” and

WHEREAS, at a regularly scheduled meeting on November 17, 2016, City Council authorized the engagement of Gap Strategies, planning group as consultants to assist with updating the City’s Comprehensive Plan and the drafting of the Unified Development Code; and

WHEREAS, since the engagement of the consultant group, a number of presentations on the progress of the Unified Development Code before City Council, and the Planning and Zoning Commission have occurred; and

WHEREAS, on March 7, 2019, City Council and the Planning and Zoning Commission conducted a public hearing to receive community comment and testimony on the proposed Unified Development Code; and

WHEREAS, on March 14, 2019, the Planning and Zoning Commission recommended City Council adopt the Unified Development Code; and

WHEREAS, on March 21, 2019, this Ordinance was first read before City Council; and

WHEREAS, on April 4, 2019, this Ordinance was read a second and final time before City Council.

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

Section one. Unified Development Code Adopted. The City of Fair Oaks Ranch Unified Development Code, attached hereto as Exhibit “A” and incorporated herein for all purposes is hereby adopted, including all exhibits, appendices and other attachments thereto. The Subdivision Code found in Chapter 10, the Zoning Code found in Chapter 14, and the Sign Code found in Chapter 15 of the Fair Oaks Ranch Code of Ordinances are hereby consolidated into the Unified Development Code and amended to the extent same are revised by the adoption of the Unified Development Code.

Section two. Criminal Penalties. This Ordinance provides Criminal Penalties as stated in Chapter 12 of the Unified Development Code.

Section three. Severability. This Ordinance is severable as stated in Chapter 1 of the Unified Development Code.

Section four. Cumulative. This ordinance shall be cumulative of all provisions of the duly adopted Ordinances of the City of Fair Oaks Ranch, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event this Ordinance shall apply.

Section five. Publication. The City Secretary is hereby authorized and directed to record the Unified Development Code as a subdivision of the Code of Ordinances. Pursuant to Texas Local Government Code Section 53.003 the Publishers of the Code are authorized and directed to designate the Unified Development Code by the title Unified Development Code; and, make notations in Chapter 10 (Subdivision), Chapter 14 (Zoning), and Chapter 15 (Sign) that said regulations are found in the Unified Development Code.

Section six. Effective Date. This ordinance shall be effective upon passage and approval as authorized in the City Charter and after two publications in the official newspaper, as required by Texas Local Government Code Section 52.013, of the caption stated in **Exhibit “B”** hereto.

PASSED AND APPROVED ON FIRST READING: The 21st day of March 2019.

PASSED AND APPROVED ON SECOND AND FINAL READING: This 4th day of April 2019.

CITY OF FAIR OAKS RANCH, TEXAS

Garry Manitzas, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, City Secretary

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

EXHIBIT "B"
PUBLIC NOTICE FOR PUBLICATION

PUBLIC NOTICE

On April 4, 2019, the City Council of the City of Fair Oaks Ranch, Texas, passed and approved an Ordinance adopting a Unified Development Code. The purpose of the Unified Development Code is to consolidate land development regulations (such as zoning, subdivision, and sign regulations) into one comprehensive code. Violation of any provision of the Unified Development Code is subject to criminal penalties of up to \$2000.00, for violation of fire safety, zoning or public health and sanitation regulations; and, up to \$500.00 for all other violations.



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
March 21, 2019

AGENDA TOPIC: Discussion and possible action approving the First Reading of an Ordinance extending the agreement with Acadian Ambulance Service of Texas for EMS services and authorizing City Manager to sign the agreement

DATE: March 21, 2019

DEPARTMENT: Police

PRESENTED BY: Chief Rubin

INTRODUCTION/BACKGROUND:

In May 2014 the City entered into a three-year contract with Acadian Ambulance Service of Texas to provide EMS within the City. This contract was renewed for two years in 2017. This contract is due to expire April 30, 2019 with a three-year extension available at the same terms of original contract.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

Ambulance and Emergency Medical Services is essential to the health and welfare of the residents of Fair Oaks Ranch and to the traveling public visiting and passing through the City.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

Extension of contract is at the original rate of \$73,500.00 to be paid annually throughout the term of the contract in equal monthly payments of \$6,125.00.

LEGAL ANALYSIS:

Reviewed by legal.

RECOMMENDATION/PROPOSED MOTION:

I move to approve the First Reading of an Ordinance extending the EMS contract with Acadian Ambulance Service of Texas for three years, starting May 1, 2019 and authorizing the City Manager to sign agreement.

AN ORDINANCE

AN ORDINANCE OF THE CITY OF FAIR OAKS RANCH RENEWING AN EXCLUSIVE AGREEMENT WITH ACADIAN AMBULANCE SERVICE OF TEXAS AS THE SOLE PROVIDER FOR EMERGENCY MEDICAL SERVICES FOR THE CITY OF FAIR OAKS RANCH; AND PROVIDING AN EFFECTIVE DATE

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

- Section 1. In May 2014, the City Council of Fair Oaks Ranch (City Council) approved Ordinance 2014-06 manifesting an Agreement with Acadian Ambulance Service of Texas (Acadian) as the sole provider for the purpose of emergency medical service, for a term of three years and, in March 2017, the City Council approved Ordinance 2017-03 renewing the Agreement with Acadian for a two-year period.
- Section 2. City Council and Acadian wish to renew the Agreement (attached) for a three-year period.
- Section 3. City Council and Acadian have approved a rate of \$73,500 to be paid annually throughout term of the Agreement in equal monthly payments of \$6,125.00. Said Agreement shall take effect May 1, 2019 and remain in full force and effect for three (3) years to April 30, 2022.
- Section 4. Said Agreement may be terminated by either party with the terminating party providing 180 days written notice as provided in Section 2 of the original Agreement
- Section 5. City Council hereby authorizes the City Manager to sign said Agreement with Acadian Ambulance Service of Texas, LLC.

PASSED AND APPROVED this 21st day of March, 2019

PASSED, APPROVED AND ADOPTED this 4th day of April, 2019

Garry Manitzas, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, City Secretary

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

RENEWAL TO SERVICES AGREEMENT

THIS RENEWAL TO SERVICES AGREEMENT (the "Renewal") is made and entered into as of this _____ day of _____, 2019, or the execution of this Renewal by both parties, by and between, **The City of Fair Oaks Ranch, Texas ("City")** and **Acadian Ambulance Service of Texas, LLC. formerly known as Acadian Ambulance Service Inc., ("Acadian")**.

RECITALS

- A. City and Acadian entered into to that certain Services Agreement for ambulance services (the "Agreement") effective May 1, 2014; and
- B. City and Acadian desire to renew the terms of the Agreement as set forth herein below.

NOW, THEREFORE, in consideration of the foregoing promises and for valuable consideration the receipt of which is acknowledged by the parties, City and Acadian agree to renew the Agreement as follows:

- 1. All references to Acadian Ambulance Service, Inc. shall be stricken from the Agreement and any subsequent Amendment(s) and Addendum(s) is replaced with Acadian Ambulance Service of Texas, LLC, for the term or terms in which the Agreement is deemed effective.
- 2. **Renewal.** City and Acadian hereby agree to renew the Agreement for an additional term of three years, to be effective May 1, 2019 through April 30, 2022.
- 3. **Rate.** City agrees to pay Acadian as follows: \$6,125.00 per month.
- 4. **General.** If provisions of this Renewal and the Agreement conflict, the provisions of this Renewal shall prevail. Except as specifically amended herein, all terms and conditions of the Agreement shall remain in full force and effect.

THE CITY OF FAIR OAKS RANCH
7286 DIETZ ELKHORN
FAIR OAKS RANCH, TX 78015

ACADIAN AMBULANCE SERVICE of TEXAS, LLC
P O Box 98000
LAFAYETTE, LA 70509-8000

BY: _____
Name: _____
Title: _____
Date: _____

By: _____
Name: _____
Title: _____
Date: _____



CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

March 21, 2019

AGENDA TOPIC: Discussion and possible action to approve Fair Oaks Montessori School Final Replat

DATE: March 21, 2019

DEPARTMENT: Public Works

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

INTRODUCTION/BACKGROUND:

In April 2018 a preliminary replat, establishing Fair Oaks Montessori School, was submitted to the Public Works Department by Pape-Dawson Engineers. This replat consists of 3.205 acres of a non-residential parcel. The bulk of this area is made up of a previous platted lot from the Pfeiffer Ranch Subdivision and a portion of Pfeiffer Ranch Corners, Unit 2.

After several rounds of review and comments, Pape-Dawson Engineers updated the preliminary replat and submitted their application package on July 3, 2018, for consideration. The preliminary replat was considered at the July 12, 2018 regular Planning and Zoning Commission meeting. Due to two outstanding items related to the utility service provider detail and heritage tree requirements, City staff recommended that the P&Z commission not recommend approval to the City Council. The P&Z commission voted unanimously to recommend disapproval to the City Council.

On July 19, 2018, the Tree Preservation and Protection plan for this site was considered at the regular City Council meeting. The plan called for the removal of two (2) heritage trees with six (6) trees with a caliper of 2.5" or greater to be planted to mitigate. City Council voted 5-1 to approve their Tree Preservation and Protection plan.

Prior to the August 2, 2018 regular City Council meeting, Pape-Dawson Engineers satisfied all of the outstanding items and City staff updated their recommendation to approve the preliminary replat to City Council. City Council voted unanimously to approve the preliminary replat.

In February 2019, City staff received the final replat of the Montessori School. After a round of review and comments, Pape-Dawson engineers updated their final replat package. The updated replat package satisfies the requirements in the City's subdivision ordinance.

On March 14, 2019, the Planning & Zoning commission conducted a public hearing, considered and recommended approval of the final replat to City Council.

The Public Works Department recommends approval of the final replat that establishes Fair Oaks Montessori School.

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 of the final replat that establishes Fair Oaks Montessori School.



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
March 21, 2019

AGENDA TOPIC: Discussion and possible action to approve a preliminary plat that establishes Front Gate Unit 2B

DATE: March 21, 2019

DEPARTMENT: Public Works

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

INTRODUCTION/BACKGROUND:

In February 2019, a Preliminary 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.

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

On March 14, 2019, the Planning & Zoning commission considered and recommended approval of the preliminary plat to City Council.

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

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

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

A. Staff Review.

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

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

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

C. Expiration of Plat Approval Recommendation.

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

LONGTERM FINANCIAL & BUDGETARY IMPACT:

N/A

LEGAL ANALYSIS:

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

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

RECOMMENDATION/PROPOSED MOTION:

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



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
March 21, 2019

AGENDA TOPIC: Discussion and possible action regarding Bond Series 2015 Surplus
DATE: March 21, 2019
DEPARTMENT: Finance
PRESENTED BY: Sarah Buckelew

INTRODUCTION/BACKGROUND:

The City of Fair Oaks Ranch, Texas General Obligation bonds, series 2015 (“the bonds”) were issued April 1, 2015 in the principal amount of \$7,000,000.

From the period of time from July 2015 to December 2018 the authorized bond projects occurred, and as of December 2018 all projects completed have satisfied the contract with the voters pursuant to the bond election.

With all projects being complete, the bond project fund has a remaining surplus of \$450,984.43. Council has several options regarding uses of the remaining bond proceeds.

Allowable uses of the remaining bond proceeds

The remaining bond proceeds can either be spent on additional projects meeting the original authorization, designation, and purpose as defined in the Bond Ordinance, or be used to pay down the debt owed on the bond.

Pursuant to the bond ordinance number 2015-02 authorization, designation, and purpose of the bonds issuance is defined as follows:

- (i) “designing, acquiring, constructing, renovating, improving, and equipping City street, curb, sidewalks, and gutter improvements, demolition, repair, and rebuilding of existing streets, completing necessary or incidental utility relocation and drainage in connection with the foregoing and the purchase of land, easements, rights-of-way, and other real property interests necessary therefor or incidental thereto and”
- (ii) “paying the costs of issuing the Bonds, in conformity with the laws of the State of Texas, particularly Chapters 1251 and 1331 as amended, Texas Government Code, the ordinance adopted by the Governing body on April 16, 2015, and the election referenced in the preamble to the ordinance.”

All issuance costs as defined by section (ii) were paid as part of the original issue, therefore, should Council move to spend the remaining funds on additional projects, only section (i) would apply.

Allowable time to spend remaining bond funds

Pursuant to IRS regulations governing the tax-exempt status of the bonds (Treas. Reg. Sec 1.141 - 1.150 and IRC sections 103 and 141 through 151) and the Certificate of Tax Exemption of the bonds, the City was required to spend at least 85% of the proceeds by May 2018. The City met this obligation. Any remaining balance is required to be spent "with all reasonable due diligence". Staff has consulted with the City's bond counsel regarding the practical application of the "with all reasonable due diligence" standard, who recommended that the City spend all remaining bond proceeds no later than 12/31/2019. Failure to do so could result in an IRS audit determination that proceeds were not spent within a reasonable timeframe, and the bond could lose its tax-exempt status.

Proposed options for Bond Surplus:

To be discussed with the attached presentation, the following options have been identified for consideration of the bond surplus:

- 1) Bond Defeasance and/or using surplus for the next bond payment
- 2) Utilize surplus for FY 2018-19 Roadway Maintenance and Chip Seal

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

In the case of a bond surplus, City Council has the ultimate authority for determining the usage of the remaining proceeds. Careful consideration of the benefits of each option is an essential component of public-sector accountability.

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

Is dependent on the option selected by Council.

LEGAL ANALYSIS:

As mentioned above, it is at the advice of bond counsel that remaining bond proceeds be spent on or before December 31, 2019 to safeguard the bond's tax-exempt status.

RECOMMENDATION/PROPOSED MOTION:

No action is required at this time. Council can indicate a general direction, and if more information is needed to determine how the bond proceeds should be spent. General direction would include the following steps for each option:

1a – Defeasance: Council would direct staff to engage bond counsel and bond financial advisors with a professional agreement. Budget amendments would be required for applicable fees in the minimum amount of \$5,500. Staff recommends that as a defeasance would not utilize the entirety of the remaining bond proceeds that any remainder be spent on current year budgeted road maintenance projects, which would also require a current budget amendment, and potential budget surplus. Staff recommends that any resulting budget surplus be assigned to future CIP projects as approved by Council.

1b – Bond payment: Council would direct staff to make a partial early payment prior to December 31, 2019 with the surplus. The impact would be a reduction in the FY 2019-20 I&S rate, and would not impact the FY 2018-19 budget.

1c – Utilization of bond surplus for eligible projects: Council would direct staff to draft a budget amendment utilizing the bond surplus for budgeted current year roadway projects, and increase the budgeted Chip Seal project as indicated in the slide presentation. This will result in a budget surplus which staff recommends to be assigned to future CIP projects as approved by Council.



GENERAL OBLIGATION BOND SERIES 2015

For presentation at the March 21, 2019 Council Meeting

PROJECT IS COMPLETE



Balance as of 2/28/2019

Street Bond Program Amortization of Bond Proceeds

	Actual 2014-15	Actual 2015-16	Actual 2016-17	Actual 2017-18	Actual 2018-19	Cumulative 5-year total
<u>Revenues:</u>						
Bond Proceeds	7,000,000.00					7,000,000.00
Bond Premium	100,089.85					100,089.85
Miscellaneous	89.85					89.85
Interest Income	17,250.10	19,126.12	30,437.03	19,032.90	5,212.50	85,846.15
Transfer						-
Total Revenue	7,117,429.80	19,126.12	30,437.03	19,032.90	5,212.50	7,186,025.85
<u>Expenditures:</u>						
Bond Issuance Fees	100,089.85					
Professional Services	98,146.89	685,377.84	172,794.25	36,253.44	5,360.00	997,932.42
Construction Costs			3,773,714.21	1,846,304.94		5,620,019.15
Land/Land Improvement			17,000.00			17,000.00
Total Expenditures	198,236.74	685,377.84	3,963,508.46	1,882,558.38	5,360.00	6,735,041.42
Net Budget	6,919,193.06	(666,251.72)	(3,933,071.43)	(1,863,525.48)	(147.50)	450,984.43



Options to close out Bond Fund

*Funds must be spent before 12/31/2019

Option #1 – Pay down bond debt

1a. Defeasance

1b. Use surplus to make next bond payment

Option #2 – Utilize the funds for current year eligible projects



OPTION 1A - DEFEASANCE

STREET BOND AMORTIZATION TABLE

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
2/1/2016	390,000	1.000%	110,147.92	500,147.92	564,286.67
8/1/2016			64,138.75	64,138.75	
9/30/2016					
2/1/2017	425,000	1.000%	64,138.75	489,138.75	551,152.50
8/1/2017			62,013.75	62,013.75	
9/30/2017					
2/1/2018	430,000	1.000%	62,013.75	492,013.75	551,877.50
8/1/2018			59,863.75	59,863.75	
9/30/2018					
2/1/2019	435,000	1.250%	59,863.75	494,863.75	552,008.75
8/1/2019			57,145.00	57,145.00	
9/30/2019					
2/1/2020	440,000	1.250%	57,145.00	497,145.00	551,540.00
8/1/2020			54,395.00	54,395.00	
9/30/2020					
2/1/2021	445,000	1.400%	54,395.00	499,395.00	550,675.00
8/1/2021			51,280.00	51,280.00	
9/30/2021					
2/1/2022	450,000	1.500%	51,280.00	501,280.00	549,165.00
8/1/2022			47,905.00	47,905.00	
9/30/2022					
2/1/2023	460,000	1.600%	47,905.00	507,905.00	552,130.00
8/1/2023			44,225.00	44,225.00	
9/30/2023					
2/1/2024	470,000	2.250%	44,225.00	514,225.00	553,162.50
8/1/2024			38,937.50	38,937.50	
9/30/2024					
2/1/2025	480,000	2.250%	38,937.50	518,937.50	552,475.00
8/1/2025			33,537.50	33,537.50	
9/30/2025					
2/1/2026	490,000	2.500%	33,537.50	523,537.50	550,950.00
8/1/2026			27,412.50	27,412.50	
9/30/2026					
2/1/2027	500,000	2.500%	27,412.50	527,412.50	548,575.00
8/1/2027			21,162.50	21,162.50	
9/30/2027					
2/1/2028	515,000	2.500%	21,162.50	536,162.50	550,887.50
8/1/2028			14,725.00	14,725.00	
9/30/2028					
2/1/2029	530,000	2.500%	14,725.00	544,725.00	552,825.00
8/1/2029			8,100.00	8,100.00	
9/30/2029					
2/1/2030	540,000	3.000%	8,100.00	548,100.00	548,100.00
9/30/2030					
	7,000,000		1,279,830.42	8,279,830.42	8,279,830.42

Would involve redeeming \$430,000 of the 2030 maturity for this bond. Because these bonds are not callable until 2025, the funds would be held until 2025 in an escrow account until the bond amount could be redeemed.

OPTION 1A - DEFEASANCE

ESCROW REQUIREMENTS

City of Fair Oaks Ranch, Texas Cash Defeasance

Period Ending	Interest	Principal Redeemed	Total
08/01/2019	6,450.00	} \$12,900	6,450.00
02/01/2020	6,450.00		6,450.00
08/01/2020	6,450.00		6,450.00
02/01/2021	6,450.00		6,450.00
08/01/2021	6,450.00		6,450.00
02/01/2022	6,450.00		6,450.00
08/01/2022	6,450.00		6,450.00
02/01/2023	6,450.00		6,450.00
08/01/2023	6,450.00		6,450.00
02/01/2024	6,450.00		6,450.00
08/01/2024	6,450.00		6,450.00
02/01/2025	6,450.00	430,000.00	436,450.00
	77,400.00	430,000.00	507,400.00

Pros:

- Would result in \$12,900 per year in interest savings until 2025, which would reduce the annual I&S rate.
- For the 2018-19 year:
 - I&S tax rate would have been reduced by 0.00084 per \$100 and would have saved the average homeowner \$4 on their annual bill before accounting for fees.

Cons:

- Administratively burdensome
- Would cost a minimum of \$5,500 to bond council.
- There is a risk involved due to recent complications related to the purchase of open market securities for escrow funds that could complicate the transaction and make it more expensive for bond council to transact, or render the transaction to difficult to feasibly complete.
- Would only cumulatively save the average homeowner \$20 over the next 5 years (before fees)
- Would still need to spend the remaining \$20,984 on current year eligible projects.
- The cost of debt on this issuance (3%) is higher than the cost of inflation on construction projects.
- This option is not recommended by Bond Council.

OPTION 1A – MAKE BOND PAYMENT

STREET BOND AMORTIZATION TABLE

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
2/1/2016	390,000	1.000%	110,147.92	500,147.92	
8/1/2016			64,138.75	64,138.75	
9/30/2016					564,286.67
2/1/2017	425,000	1.000%	64,138.75	489,138.75	
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2/1/2019	435,000	1.250%	59,863.75	494,863.75	
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9/30/2019					552,008.75
2/1/2020	440,000	1.250%	57,145.00	497,145.00	
8/1/2020			54,395.00	54,395.00	
9/30/2020					551,540.00
2/1/2021	445,000	1.400%	54,395.00	499,395.00	
8/1/2021			51,280.00	51,280.00	
9/30/2021					550,675.00
2/1/2022	450,000	1.500%	51,280.00	501,280.00	
8/1/2022			47,905.00	47,905.00	
9/30/2022					549,185.00
2/1/2023	460,000	1.600%	47,905.00	507,905.00	
8/1/2023			44,225.00	44,225.00	
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8/1/2024			38,937.50	38,937.50	
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9/30/2028					550,887.50
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8/1/2029			8,100.00	8,100.00	
9/30/2029					552,825.00
2/1/2030	540,000	3.000%	8,100.00	548,100.00	
9/30/2030					548,100.00
	7,000,000		1,279,830.42	8,279,830.42	8,279,830.42

Pros:

- Making a partial payment with Bond surplus in FY 19-20 would result in a reduction to the I&S rate for that year of approximately 0.0295 per \$100 resulting in a savings to the average homeowner of \$140. (based on prior year numbers at this time)

Cons:

- This is a one year savings, and the rate will increase again starting in FY 20-21.
- Because the Bond Payment date occurs after 12/31/2019 there will be some administrative burden to ensure the proceeds are utilized before 12/31/2019.
- Bond Council does not recommend this option

Option 2 – Utilize Surplus for Eligible Projects

Chip Seal Budget	\$347,711
Road Maintenance	<u>\$80,000</u>
Current Eligible Projects	\$427,722
Budget adjustment	
Increase Chip Seal Budget	\$23,262
Total Adjusted Budget	<u>\$450,984</u>

Pros:

- Because we currently don't have any eligible CIP projects that would be scheduled to be paid out before 12/31/2019, this option is the most practical administratively.
- The City could increase its current year Chip Seal project to include roadways that were not completed last year due to increased costs.
- Would free up budget under-runs to be utilized on other high-priority CIP projects as determined by Council.
- This option is recommended by Bond Council.

Cons:

- Does not result in a tax decrease to residents.



To: Honorable Mayor Garry Manitzas and City Council Members
City of Fair Oaks Ranch

**Capital Improvements Advisory Committee Semiannual Progress Report
September 26, 2018 Meeting**

Overview:

A Capital Improvements Plan is required by LGC §395, Financing Capital Improvements Required by New Development in Municipalities, Counties and Certain other Local Governments; to identify capital improvement or facility expansions required by new service units projected; and to include a description of the service area and projection of changes in land uses, densities, intensities, and population in the service area over a 10-year period. Since the City imposes an impact fee, a periodic review shall be performed at least every five years to determine the need of updating the plans and/or impact fees.

Land use assumptions and projects to support proposed growth were evaluated and a Water and Wastewater Impact Fee report was prepared by Freese and Nichols dated August 4, 2014. On December 18, 2014, City Council issued Ordinance No. 2014-18 that increased the Water Impact Fees from \$1,669.58 to \$5,400.00 and Wastewater Impact Fees from \$1,006.95, to \$1,550.00. By Ordinance No. 2016-03 the Council established that the Impact Fees in place at the date of recordation of a subdivision plat should apply to that development.

Progress Report:

The Capital Improvements Advisory Committee and Staff met at 9:00 AM on Wednesday September 26, 2018 to review and evaluate the current land use assumptions and capital improvements plan.

The Committee recommends no action at this time pending the outcome of the Comprehensive Plan updates and Water/Wastewater Master Plan studies in progress.

During the September 26, 2018 meeting it was noted that the Impact Fee Study will move forward when current studies that are underway by Freese & Nichols are completed. The CIAC Committee will be involved with the Impact Fee Study process. In addition, the CIAC committee wants the RFQ for the Professional Engineering Services for the elevated storage tank done by the end of the fiscal year. Establish RFQ timelines for engineer to have bid documents ready for publication within a reasonable timeframe. The goal is to have RFP for construction of EST ready by September 2019.

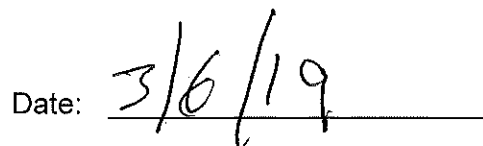
As of this time, there have been no recommendations for the ETJ Representative position on the committee due to member Paul Lampe reclassification to Resident Representative. This position is required by LCG §395.

The next LUA/CIP/Impact Fee CIAC Meeting is scheduled for Wednesday March 6, 2019 at 9:00 AM at which time the Committee will again review the status and appropriateness of the current Impact Fees and if there is justification for any update in the City's Land Use Assumptions and CIPs.

Signed:


John Merritt, CIAC Chairman

Date:



To: Honorable Mayor Garry Manitzas and City Council Members
City of Fair Oaks Ranch

**Capital Improvements Advisory Committee Semiannual Progress Report
March 6, 2019 Meeting**

Overview:

A Capital Improvements Plan is required by LGC §395, Financing Capital Improvements Required by New Development in Municipalities, Counties and Certain other Local Governments; to identify capital improvement or facility expansions required by new service units projected; and to include a description of the service area and projection of changes in land uses, densities, intensities, and population in the service area over a 10-year period. Since the City imposes an impact fee, a periodic review shall be performed at least every five years to determine the need of updating the plans and/or impact fees.

Land use assumptions and projects to support proposed growth were evaluated and a Water and Wastewater Impact Fee report was prepared by Freese and Nichols dated August 4, 2014. On December 18, 2014, City Council issued Ordinance No. 2014-18 that increased the Water Impact Fees from \$1,669.58 to \$5,400.00 and Wastewater Impact Fees from \$1,006.95, to \$1,550.00. By Ordinance No. 2016-03 the Council established that the Impact Fees in place at the date of recordation of a subdivision plat should apply to that development.

Progress Report:

The Capital Improvements Advisory Committee and Staff met at 9:00 AM on Wednesday March 6, 2019 to review and evaluate the current land use assumptions and capital improvements plan. This report also includes the September 26, 2018 report to Council. Which also had no recommended actions.

The Committee recommends no action at this time pending the outcome of the Comprehensive Plan updates and Water/Wastewater Master Plan studies in progress.

During the March 6, 2019, meeting it was noted that the Impact Fee Study will move forward when the Water, Wastewater & Reuse Master Plan has been approved by Council.

On March 6, 2019 John Merritt received the resignation of Ed Barron, Development Representative, from the CIAC effective March 6, 2019. Mr. Barron cited family health complications for his resignation. The CIAC Chairman and the Director of Public Works recommends that the Committee move forward with the 8 current members who have all been active participants. The CIAC is required to be composed at least 5 members with at least 40% representing the of the builder/developer/ realtor industry. The Committee currently is composed of 50% representatives of the builder/developer/ realtor industry. Ideally the Committee should have a representative from the ETJ. We will continue to seek a candidate for that spot.

The next LUA/CIP/Impact Fee CIAC Meeting is scheduled for Wednesday September 25, 2019 at 9:00 AM at which time the Committee will again review the status and appropriateness of the current Impact Fees and if there is justification for any update in the City's Land Use Assumptions and CIPs.

Signed: _____

John Merritt, CIAC Chairman

Date: _____

3/13/19



CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

March 21, 2019

AGENDA TOPIC: Street Maintenance Work Options
DATE: March 21, 2019
DEPARTMENT: Public Works
PRESENTED BY: Adrian M. Garcia, P.E, Manager of Engineering Services

INTRODUCTION/BACKGROUND:

The City maintains nearly one million square yards of asphalt pavement in its public right of ways. The City's maintenance plan consists of resurfacing each road, once every eight years with minor repairs completed on an "as-needed" basis. Along with these maintenance actions, the City contracts with a company to provide a pavement assessment every five years to establish a pavement condition index (PCI) for every roadway in the City on a 0-100 scale. In 2015, the average roadway in the City had a PCI of 84 and a PCI above 70 is considered good.

Since 2002, the City accomplished the resurfacing with the preventative maintenance method commonly referred to as a chip seal. The City relied on the chip seal method due to its quick cure time, general low cost, and its effectiveness at preserving pavement. Although this method contains many positive characteristics, a common concern from residents is that this method makes it difficult for pedestrian enjoyment of the roadways. Immediately after initial application and as the chip seal wears, loose aggregate accumulates on the roadway. This problem is exacerbated on curbed streets as the aggregate cannot easily leave the roadway and these areas tend to have greater number of pedestrians on the roadways. In 2018 the City applied a high density mineral bond to select streets within the City.

City staff continues to explore options to preserve the City's investment in the roadways to extend the useful life of each roadway until full reconstruction is required. The presentation will focus on the City's annual pavement maintenance program and will introduce new pavement preservation methods.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

N/A

LONGTERM FINANCIAL & BUDGETARY IMPACT:

N/A

LEGAL ANALYSIS:

N/A

RECOMMENDATION/PROPOSED MOTION:

Discussion, no formal action required but Council insight and general direction is appreciated.



CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

March 21, 2019

AGENDA TOPIC: Update on Backflow Prevention Education Outreach Plan

DATE: March 21, 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 proposed cross-connection control and backflow prevention program 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.

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, and November 15, 2018. Based on City Council's response, staff pursued an educational component to introduce the topic of backflow prevention and the proposed program to Fair Oaks Ranch residents. Efforts include publications in the Fair Oaks Gazette and The Boerne Star; the creation of a program webpage; the distribution of educational flyers; and the promotion of a Drinking Water Protection Open House held on February 23, 2019. The well-attended event helped to educate residents on the importance of backflow prevention and the proposed program. In return, City staff received a great amount of community feedback that will guide them in rolling out the proposed ordinance.

The presentation on March 21, 2019 will provide a recap of the Drinking Water Protection Open House and will cover key components of the proposed program that require further discussion. Key components include periodic testing requirements for backflow prevention assemblies installed on the Fair Oaks Ranch Utility water system; requirements for City-registered backflow prevention assembly testers; right-of-entry procedure; enforcement options; and record-keeping requirements.

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:

N/A

RECOMMENDATION/PROPOSED MOTION:

Subsequent to the presentation, provide staff with insight and general direction. No formal action is required.