

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

November 1, 2018, 9:30 AM
City Hall Council Chambers
7286 Dietz Elkhorn, Fair Oaks Ranch

I. OPEN MEETING

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

II. CITIZENS and GUEST FORUM / PRESENTATIONS

To address the Council, please sign the Attendance Roster located on the table at the entrance of the Council Chamber. In accordance with the Open Meetings Act, Council may not discuss or take action on any item which has not been posted on the agenda.

- A. Employee service awards.
- 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 October 18, 2018 Regular City Council Meeting Minutes. Pgs. 3-5
- B. Approval of the Second Reading of an Ordinance amending Chapter 3, Building Regulations, Article 3.16 Board of Appeals, Section 3.16.005 providing for an extension of the time between filing of an appeal to the Building Codes and the hearing; and Article 3.01 General Provision, Sections 3.01.002 and 3.01.006 clarifying the administrative review process. Pgs. 6-11
- C. Approval of Comal County Unit 15 (River Valley Unit 2) Preliminary Plat. Pgs. 12-14
- D. Approval of Mayor Manitzas' absence for the October 18, 2018 Council Meeting. Pg. 15

IV. DISCUSSION/CONSIDERATION ITEMS

- A. Consideration and possible action re-appointing Bud Paulson to the Kendall Appraisal District Board of Directors, for a two-year term, beginning January 1, 2019. Mayor Manitzas Pgs. 16-17
- B. Consideration and possible action approving the First Reading of an Ordinance adopting the City's Fee Schedule. Carole Vanzant, Assistant City Manager Pgs. 18-54
- C. Discussion and possible action establishing a strategic planning team regarding the expansion of Ralph Fair Road. Tobin Maples, City Manager Pgs. 55-56
- D. Discussion regarding Chapter 552 of the Texas Government Code. Tobin Maples, City Manager Pgs. 57-58
- E. Consideration and possible action authorizing the City Manager to sign an amendment to the Professional Services Agreement with Gap Strategies. Tobin Maples, City Manager Pgs. 59-64

V. REPORTS FROM STAFF / COMMITTEES / COUNCIL

None

VI. CONVENE INTO EXECUTIVE SESSION

Pursuant to Section 551.101 of the Open Meetings Act, Texas Gov't Code, a quorum of the governing body hereby convenes into closed session:

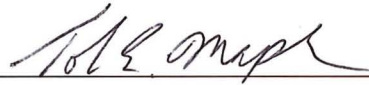
- A. 551.071 (Consultation with Attorney) - Cause No. 2018-CI-00202; the City of Fair Oaks Ranch, Texas vs Edward I. Hill, Robert E. Heckendorn, Craig M. Luitjen, Roger Fuentes, Wesley A. Pieper, Esther W. Hicks, William A. McDowell, Yolanda D. Ayala, PG Pfeiffer Ranches LLC, Maureen Pfeiffer Stevenson Family Trust.
- B. 551.074 (Personnel Matters) - The governing body hereby convenes into closed session regarding the annual evaluation of the City Manager and City Secretary.

VII. RECONVENE INTO OPEN SESSION

VIII. ADJOURNMENT

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

Signature of Agenda Approval: _____



I, Christina Picioccio, City Secretary, certify that the above Notice of Meeting was posted on the outside bulletin board at the Fair Oaks Ranch City Hall, 7286 Dietz Elkhorn, Fair Oaks Ranch, Texas, and on the city's website www.fairoaksranchtx.org, both places being convenient and readily accessible to the general public at all times. Said Notice was posted by 9:30 AM, October 29, 2018 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
October 18, 2018
7286 Dietz Elkhorn
Fair Oaks Ranch, TX 78015**

I. OPEN MEETING

A. Roll Call – Declaration of a Quorum

Present: Mayor Pro Tem Havard

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

Absent: Mayor Manitzas

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

B. The Pledge of Allegiance was led by citizen, Jim Havard.

II. CITIZENS and GUEST FORUM / PRESENTATIONS

A. Mayor Pro Tem Havard Manitzas presented a 15 year service award to Building Official, Jim Earl.

B. Assistant City Manager, Carole Vanzant presented canvass photographs to the winners of the Wildlife Education Committee's Photo Contest: 1st Place – Skip Shumpes (represented by his son in law, Chris Wiegen); 2nd Place – Al Koppen (represented by his granddaughter); 3rd Place – Brent Holmes; Honorable Mention – Julie Rey, Natalie Mathes, and Dale Schweers.

C. Mayor Pro Tem Havard and Director of Human Resources & Communications, Kim Stahr noted that the City was recognized as a "Top Work Place" in the San Antonio Area based on employee surveys and presented a trophy to City Council.

D. There were no citizens to be heard.

III. CONSENT AGENDA

A. Approval of October 4, 2018 at 9:30 AM Regular City Council Meeting Minutes.

B. Approval of a Resolution authorizing the City Manager to execute Internal Revenue Service Form 2848 "Power of Attorney and Declaration of Representative".

C. Approval of Resolution re-affirming the City's Investment Policy.

D. Approval of gift/donations associated with the 30th Anniversary City Celebration Sponsorships.

MOTION: Made by Council Member Elizondo, seconded by Council Member Koerner to accept the consideration items as written.

VOTE: 6-0; Motion Passed.

IV. DISCUSSION/CONSIDERATION ITEMS

A. Discussion and possible action authorizing the City Manager to sign a professional services agreement with Patti Engineering.

MOTION: Made by Council Member Hartpence, seconded by Council Member Maxton to authorize the City Manager to sign a Professional Service Agreement with Patti Engineering for SCADA servicing in the amount of \$26,580.00.

VOTE: 6-0; Motion Passed.

B. Discussion and possible action on the First Reading of an Ordinance amending Chapter 3, Building Regulations, Article 3.16 Board of Appeals, Section 3.16.005 providing for an extension of the time between filing of an appeal to the building Codes and the hearing; and Article 3.01, General Provisions, Sections 3.01.002 and 3.01.006 clarifying the administrative review process.

MOTION: Made by Council Member Elizondo, seconded by Council Member Koerner to approve the first reading of an ordinance providing for an extension of the time between the filing of an appeal to the Building Codes and the appeal from ten to thirty days; and clarifying the Administrative Review process.

AMENDED MOTION: Made by Council Member Patel, seconded by Council Member Elizondo to strike the language "or at stated periodic meetings" in Sec 3.16.005 Notice of Meeting.

AMENDED VOTE: 4-2; Motion Passed, Nays: Council Members Elizondo and Koerner.

VOTE on ORIGINAL

MOTION AS AMENDED: 6-0; Motion Passed

C. Discussion and presentation regarding the creation of a Cross Connection Control and Backflow Prevention Program.

Seeking Council guidance and direction, Adrian Garcia, P.E., Manager of Engineering Services, and Melissa Castro, Environmental Compliance Manager presented an updated draft ordinance for the Creation of a Cross-Connection Control and Backflow Prevention Program. The current proposed program will affect FORU customers only. Customers of SAWS, Enchanted Oaks or residents with private wells (unless the customer also ties into the city water supply), will not be subject to the new program. Council shall submit any questions or suggestions to staff prior to next council meeting.

D. Discussion regarding easement negotiations within the Arbors development.

City Manager, Tobin Maples provided an update regarding the easement negotiations within the Arbors development.

REPORTS FROM STAFF / COMMITTEES / COUNCIL

A. Finance Officer, Sarah Buckelew, provided the Quarterly Investment Report.

V. CONVENE INTO EXECUTIVE SESSION

City Council did not convene into closed session regarding:

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.

VI. RECONVENE INTO OPEN SESSION

Not applicable.

VII. ADJOURNMENT

Mayor Pro Tem Havard adjourned the meeting at 8:23 PM.

ATTEST:

Garry Manitzas, Mayor

Christina Picioccio, City Secretary



CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

November 1, 2018

AGENDA TOPIC: Approval of the second reading of an Ordinance amending Chapter 3, Building Regulations, Article 3.16, Board of Appeals, Section 3.16.005 providing for an extension of the time between filing of an appeal to the Building Codes and the hearing; and Article 3.01, General Provisions, Sections 3.01.002 and 3.01.006 clarifying the Administration Review process.

DATE: November 1, 2018

DEPARTMENT: Building Codes

PRESENTED BY: Jim Earl, Building Official

INTRODUCTION/BACKGROUND:

- 1) The City of Fair Oaks Ranch operates under the International Building Codes 2015 ed.
- 2) Chapter 3, Article 3.16 of the Code of Ordinances, establishes a Board of Appeals to address appeals to the Building Codes.
- 3) In adopting rules and procedures the Board of Appeals determined that the 10(ten) day maximum period between filing for an appeal and the hearing as prescribed by Chapter 3, Article 3.16 is insufficient for notification of the board, scheduling, research, possible field visits if applicable and giving public notice.
- 4) The Board therefore proposes that the ten day period between filing an appeal and the hearing be extended to 30(thirty) days.
- 5) Staff has further recognized the need to amend Chapter 3, Article 3.01, Section 3.01.02, Compliance; Penalty, and Section 3.01006(d), Notice of Violations; Administrative review, in order to clarify the Administrative Review process which if requested reviews penalties assessed for violations of Chapter 3.

The first reading of the Ordinance was approved as amended by Council at the October 18, 2018 Council Meeting to strike "*or at stated periodic meetings*" in Section 3.16.005 Notice of Meeting.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

By extending the time allowed between an appeal and the meeting held to hear said appeal, the process of hearing and rendering rulings will be more orderly and reasoned than would be with the shorter time frame, thus better serving the citizens of Fair Oaks Ranch.

Further, by modifying the administrative review process, the procedure by which reviews are conducted will be rendered more efficient thus better serving the citizens of Fair Oaks Ranch.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

None

LEGAL ANALYSIS:

The ten day period delineated in Ordinance 2015-11 originated from the International Building Code 2015 ed., Appendix B which is “not mandatory unless specifically referenced in the adopting ordinance.” It can therefore be modified by amendment.

The administrative review process may be modified as deemed necessary by amendment.

RECOMMENDATION/PROPOSED MOTION:

I move to approve the Second Reading of an Ordinance providing for an extension of the time between the filing of an appeal to the Building Codes and the appeal from ten to thirty days; and clarifying the Administrative Review process. (Consent Agenda)

AN ORDINANCE

OF THE CITY OF FAIR OAKS RANCH AMENDING THE FAIR OAKS RANCH CODE OF ORDINANCES CHAPTER 3 BUILDING REGULATIONS, ARTICLE 3.01 GENERAL PROVISIONS, SECTION 3.01.002 - COMPLIANCE; PENALTY, SECTION 3.01.005(f) - APPROVAL OR DISAPPROVAL; ADMINISTRATIVE REVIEW, SECTION 3.01.006(d) - NOTICE OF VIOLATION; ADMINISTRATIVE REVIEW AND ARTICLE 3.16 BOARD OF APPEALS, SECTION 3.16.005 - NOTICE OF MEETING; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in August 2005 under Ordinance 75.16, the Building Regulations relating to construction and maintenance of buildings within the corporate limits of the City of Fair Oaks Ranch was adopted; and,

WHEREAS, city staff, after reviewing building permits and inspections compliance, penalty, administrative review and notice of violation standards in said ordinance codified in Chapter 3 Article 3.01 General Provisions of the Fair Oaks Ranch Code of Ordinances, finds, for clarity purposes, appropriate amendments needed; and,

WHEREAS, in November 2015 under Ordinance 2015-11, the Fair Oaks Ranch Board of Appeals was created; and,

WHEREAS, the Board of Appeals hears and decides appeals of orders, decisions, or determinations made by the Building Official relative to the application and interpretations of the International Building Code, International Residential Code, International Energy Code, International Mechanical Code, International Fuel Gas Code, International Fire Code, International Energy Conservation Code, International Plumbing Code and the National Electric Code; and,

WHEREAS, the city staff and the Board of Appeals, after reviewing the notice of meetings standards in said ordinance codified in Article 3.16 Board of Appeals of the Fair Oaks Ranch Code of Ordinances, find 10 days is insufficient time to schedule appeal meetings, allow for research of an appeal, and coordinate field visits of the relevant property; and,

WHEREAS, the City Council of the City of Fair Oaks Ranch deems it necessary to amend sections of the City of Fair Oaks Ranch Code of Ordinances Chapter 3 Building Regulations Article 3.01 General Provisions and Article 3.16 Board of Appeals.

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

Part 1: The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Part 2: That the City of Fair Oaks Ranch Code of Ordinances Chapter 3 Building Regulations, Article 3.01 General Provisions and Article 3.16 Board of Appeals are hereby amended as set forth in the attached Exhibit A.

Part 3: The provisions of this ordinance are declared to be severable. If any section, subsection, sentence, clause, phrase, or portion of this ordinance shall for any reason is found to be held invalid or unconstitutional by any court of competent jurisdiction, such decisions shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance, but they shall remain in effect; it being the legislative intent that this ordinance shall remain in effect notwithstanding the validity of any part.

- Part 4 All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.
- Part 5 This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.
- Part 6 If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.
- Part 7 It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.
- Part 8 This ordinance shall take effect November 7, 2018 and after publication as required by law.

PASSED AND APPROVED on the first reading, this 18th day of October, 2018.

PASSED, APPROVED, AND ADOPTED on the second reading, this 1st day of November, 2018.

Garry Manitzas, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, City Secretary

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

Exhibit A

- I. The City of Fair Oaks Ranch Code of Ordinances Chapter 3 Building Regulations, Article 3.01 General Provisions is hereby amended by moving Section 3.01.006 (d) with amendments to Section 3.01.002 - Compliance; Penalty as follows:

Notice of violation; administrative review.

- (1) Upon determination that a violation of this chapter has occurred, a written notice of violation shall be sent to the responsible party. This notice shall contain the nature of the violation, the section of this chapter that was violated, and the penalty imposed by this chapter for such violation.
- (2) Upon receipt, the responsible party will have 15 calendar days from the date of the notice to pay the penalty and provide other documents as required or request in writing, an administrative review of the alleged violation and imposed penalty.
- (3) The request for an administrative review shall be submitted to the Building Official and shall contain the reason(s) why the violation and/or a penalty are/is not applicable.
- (4) The administrative review will be conducted within 10 business days of receipt by the building official, the city manager, and, at least, one at-large city staff member.
- (5) The findings of the administrative review will be provided, in writing, to the responsible party named in the violation notice within 5 business days following the administrative review.
- (6) The responsible party has 31 calendar days to comply with the findings of the administrative review or file a written appeal with the municipal court for resolution before the 31st day after the administrative review findings are filed.

- II. The City of Fair Oaks Ranch Code of Ordinances Chapter 3 Building Regulations, Article 3.01 General Provisions Section 3.01.005 (f) is hereby amended as follows:

(f) Approval or disapproval; administrative review.

- (1) The city reserves the right to refuse a permit if, in the city's judgment, the provisions of this chapter have not been complied with.
- (2) Written requests for an administrative review, for refusal of a permit issuance, shall be sent to the building official within 15 calendar days from the date of the refusal. The request shall contain the reason(s) why the permit should be issued.
- (3) The administrative review will be conducted by the building official, city manager, and, at least, one at-large city staff member, within 10 business days of receipt by the request.
- (4) The findings of the administrative review will be provided, in writing, to the requestor within 5 business days following the review.

- (5) The requestor may appeal the administrative review's findings by filing a petition with the City Council for resolution, before the 31st day after the administrative review findings are filed.

III. The City of Fair Oaks Ranch Code of Ordinances Chapter 3 Building Regulations, Article 3.16 Board of Appeals, Section 3.16.005 is hereby amended as follows:

Sec 3.16.005 Notice of Meeting

The board shall meet upon notice from the chairperson, within 30 calendar days from the filing of an appeal. Notice of the meetings to the public must comply with the requirements of the Texas Open Meetings Act.



CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

November 1, 2018

AGENDA TOPIC: Approval of the Comal County Unit 15 (River Valley Unit 2) Preliminary Plat
DATE: November 1, 2018
DEPARTMENT: Public Works
PRESENTED BY: Adrian Garcia, P.E., Manager of Engineering Services

INTRODUCTION/BACKGROUND:

In June 2018 a Preliminary Plat, establishing the Comal County Unit 15 (River Valley Unit 2) was submitted to the Public Works Department by Vickrey and Associates, Inc. This tract of land is generally bounded by Keeneland Drive to the North and Battle Intense to its west. This subdivision is the second and final unit of the River Valley Subdivision. Pertinent information regarding the subdivision can be found in the table below:

River Valley Unit #	Approval Date	Total Area (ac)	Residential Lots
1	8/19/14	29.98	66
2	-	14.86	47
Total	-	44.84	113

On October 4, 2018 City Council voted to approve the Tree Preservation and protection plan that called for the removal of one (1) Heritage Tree from the area of a proposed street location. This action satisfied the prerequisite requirement for approval of the preliminary plat.

After several 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.

As part of the preliminary plat process, Vickrey and Associates submitted a drainage report that outlined the post-development storm water management plan. The developer received a permit to perform earthwork in this area with a Conditional Letter of Map Revision (CLOMR), from FEMA, in order to lift the area above the floodplain. The floodplain has not been officially removed from this area therefore it is designated on the plat. The predevelopment drainage flowed from Keeneland then south east through a natural low through this subdivision and toward the Post Oak Creek. The post development plan shows the construction of an underground storm drain at the intersection of Keeneland and this subdivision that "catches" runoff at this intersection and releases it at the edge of the subdivision. The runoff that is produced onsite will be directed to the drainage basin that was constructed with River Valley Unit 1 subdivision. In response to concerns from Public Works regarding the ponding of obstructed drainage on Keeneland road during the

heavy rains of September 2018, the developer constructed a temporary drainage channel to achieve positive drainage. The developer has committed to phasing the construction of drainage improvements such that the threat of negative drainage impacts will be averted.

At the October 11, 2018 Planning and Zoning commission meeting, the commission voted unanimously to recommend approval of the preliminary plat.

The Public Works Department recommends approval.

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 Manager. The Public Works Department's recommendation of approval of the preliminary plat shall not constitute final acceptance of the final plat but is authority to proceed with the preparation of the final plat. If any major changes are required by the Public Works Department, the Public Works Department may require submission of another preliminary plat.

C. Expiration of Plat Approval Recommendation.

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

LONGTERM FINANCIAL & BUDGETARY IMPACT:

N/A

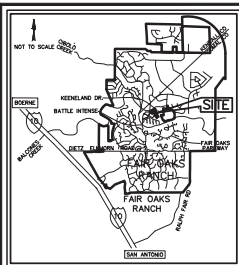
LEGAL ANALYSIS:

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

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

RECOMMENDATION/PROPOSED MOTION:

I move to approve the preliminary plat that establishes Comal County Unit 15 (River Valley Unit 2).



LEGEND

- 100 YEAR FLOOD PLAIN
- PLAT RECORDS OF COMAL COUNTY, TEXAS
- EXISTING CONTOURS
- G.E.T. & C.A.T.V. = GAS, ELECTRIC TELEPHONE & CABLE TELEVISION
- B.S. = BUILDING SETBACK
- ESMT. = EASEMENT
- FF-1270.2 DENOTES MINIMUM FINISH FLOOR ELEVATION ABOVE FINISH FLOOR MUST BE A MINIMUM OF 12" ABOVE EXISTING GRADE

GATES ACROSS EASEMENT: DOUBLE SWING GATES SHALL BE MINIMUM 16 FEET AND INSTALLED WHEREVER FENCES CROSS UTILITY AND DRAINAGE EASEMENTS.

OBSTRUCTIONS OF DRAINAGE: ADEQUATE STRUCTURES SHALL BE PROVIDED TO ALLOW THE UNHINDERED PASSAGE OF ALL STORM AND DRAINAGE FLOODS WHEREVER FENCES CROSS DRAINAGE EASEMENTS.

THE CONTOURS SHOWN ON THIS PLAT ARE BASED ON AERIAL TOPOGRAPHY. VICKREY & ASSOCIATES, INC. DOES NOT CERTIFY TO THE ACCURACY OF THE ABOVE MENTIONED AERIAL TOPOGRAPHY.

BASIS OF BEARING IS STATE PLANE CORRD. SYSTEM, NAD 83

1/2" IRON RODS WITH "VICKREY PROP COR" SET AT ALL CORNERS UNLESS NOTED OTHERWISE. R/F DENOTES IRON ROD FOUND

RECHARGE FEATURE EASEMENTS ARE INTENDED TO PREVENT CONSTRUCTION THAT WOULD MANIPULATE FLOW OR ALLOW THE INTENTIONAL INTRODUCTION OF CONTAMINANTS INTO THE FEATURE.

AQUIFER NOTE:
THIS SUBDIVISION IS WITHIN THE EDWARDS AQUIFER RECHARGE ZONE. DEVELOPMENT WITHIN THIS SUBDIVISION IS SUBJECT TO CHAPTER 34, ARTICLE VI, DIVISION 6 OF THE SAN ANTONIO CITY CODE ENTITLED "AQUIFER RECHARGE ZONE AND WATERSHED PROTECTION", OR LATEST REVISION THEREOF. ANY REGULATED ACTIVITY MUST COMPLY WITH ALL FEDERAL, STATE AND LOCAL REGULATIONS RELATING TO DEVELOPMENT WITHIN THE EDWARDS AQUIFER RECHARGE ZONE.

LOTS 901, 902, AND 903 ARE DESIGNATED AS A GREENBELT AND UTILITY AND DRAINAGE EASEMENT. LOT 901 IS A VARIANTE WITH GUTS EASEMENT. THE LOTS ARE NOT FOR RESIDENTIAL USE. LOT 904 IS TO BE USED AS A PRIVATE ROAD, WATER, SEWER, AND UTILITY EASEMENTS. THERE WILL BE NO INHABITABLE STRUCTURES ALLOWED IN THIS LOT.

THE LOTS SHOWN ON THIS PLAT ARE SUBJECT TO ADDITIONAL EASEMENTS AND RESTRICTIONS AS RECORDED FOR THIS UNIT IN THE PUBLIC RECORDS OF COMAL COUNTY, TEXAS.

FOR SPECIFIC BUILDING SETBACKS REFER TO THE SUBDIVISION DEED RESTRICTIONS.

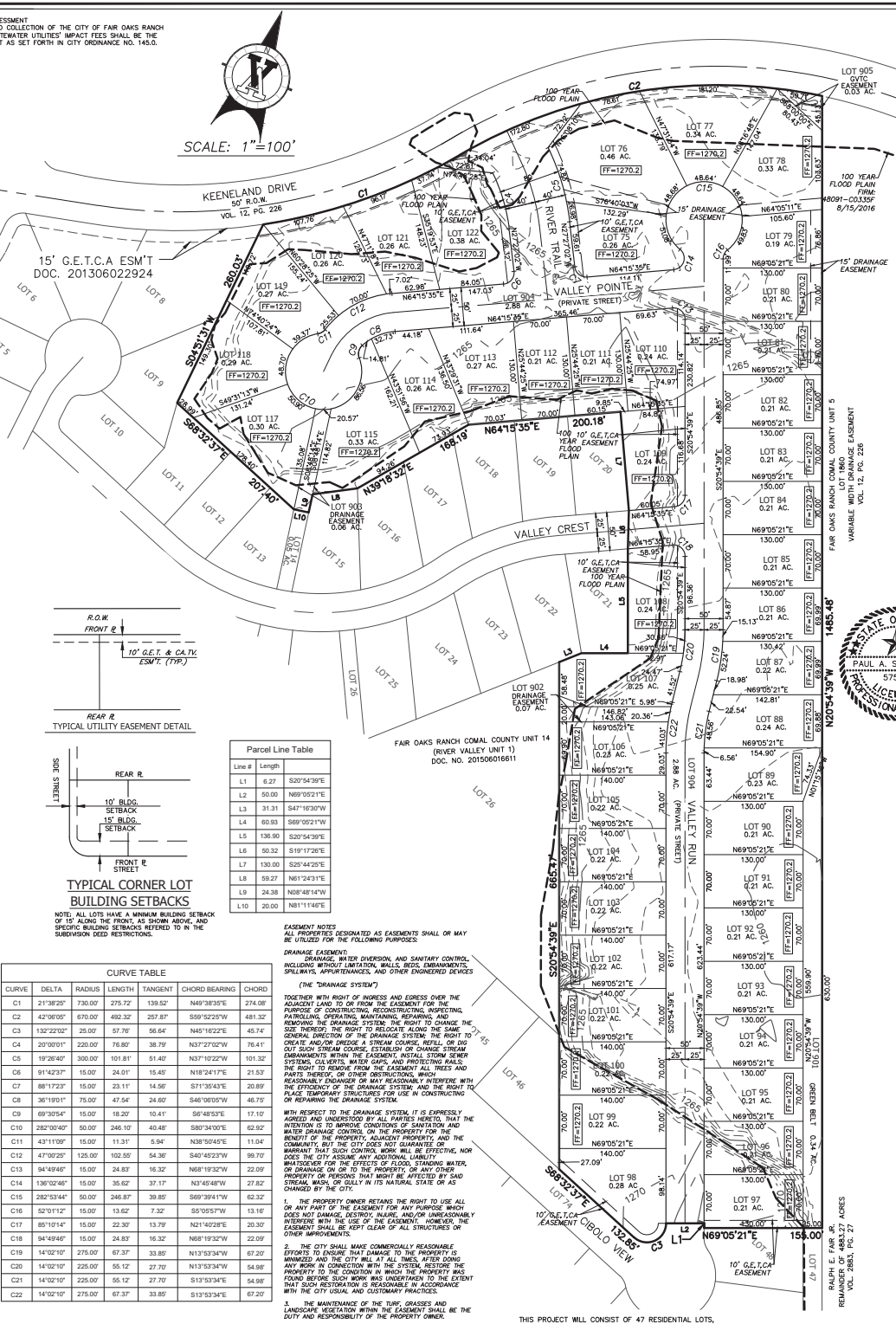
UTILITY EASEMENT:
UTILITIES, INCLUDING, WITHOUT LIMITATION, SEWER, WATER, GAS, ELECTRICITY, TELEPHONE, AND CABLE TELEVISION, WITH ALL NECESSARY AND/OR DESIRABLE LATERALS, LATERALS AND/OR APPURTENANCES THEREON, SHALL BE PLACED WITHIN THE UTILITY EASEMENT.

TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS OVER THE ADJACENT LAND TO OR FROM THE EASEMENT FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PAROLLING, OPERATING, MAINTAINING, REPAIRING, AND REMOVING THE UTILITIES, THE RIGHT TO PLACE NEW OR ADDITIONAL UTILITIES IN THE EASEMENT AND TO CONDUCT SUCH WORK AS MAY BE NECESSARY TO RELOCATE ALONG THE SAME GENERAL DIRECTION OF THE EASEMENT, THE RIGHT TO REMOVE AND/OR REPAIR THE UTILITIES, AND PARTS THEREOF, OR OTHER OBSTRUCTIONS WHICH REASONABLY ENHANCE OR MAY REASONABLY INTERFERE WITH THE EFFICIENCY OR 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 COMMERCIALY REASONABLE EFFORTS TO ENSURE THAT DAMAGE TO THE PROPERTY IS MINIMIZED AND THAT AT ALL TIMES, AFTER DOING ANY WORK IN CONNECTION WITH THE EASEMENT, THE PROPERTY IS RESTORED 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 UTILITY 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.

C.P.S. NOTE:

- THE CITY OF SAN ANTONIO AS A PART OF ITS ELECTRIC AND GAS SYSTEM (CITY PUBLIC SERVICE BOARD) IS HEREBY DEDICATED THE EASEMENTS AND RIGHTS-OF-WAY FOR ELECTRIC AND GAS DISTRIBUTION AND UTILITIES IN THE AREAS DESIGNATED ON THIS PLAT AS "ELECTRIC EASEMENT", "GAS EASEMENT", "ANCHOR EASEMENT", "SERVICE EASEMENT", "OVERHANG EASEMENT", "UTILITY EASEMENT", AND "TRANSFORMER EASEMENT" FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, RECONSTRUCTING, MAINTAINING, REMOVING, INSPECTING, PAROLLING AND CREATING PILES, HANDING OR BURNING WRECKS, CABLES, CONDUITS, FLEXIBLES OR EQUIPMENT, LOCATED WITHIN SAID EASEMENT, DUE TO GRADE CHANGES OR GROUND ELEVATION ALTERATIONS SHALL BE CHARGED TO THE PERSON OR PERSONS DEEMED RESPONSIBLE FOR SAID GRADE CHANGES OR GROUND ELEVATION ALTERATIONS.
- UTILITIES, INCLUDING, WITHOUT LIMITATION, SEWER, WATER, GAS, ELECTRICITY, TELEPHONE, AND CABLE TELEVISION, WITH ALL NECESSARY AND/OR DESIRABLE LATERALS, LATERALS AND/OR APPURTENANCES THEREON, SHALL BE PLACED WITHIN THE UTILITY EASEMENT.
- EXISTING ELECTRICAL, GAS, WATER, SEWER, DRAINAGE, TELEPHONE, CABLE, EASEMENTS, AND/OR OTHER UTILITIES LOCATED WITHIN THE FIVE (5) FOOT AND TEN (10) FOOT WIDE ELECTRICAL AND GAS EASEMENTS WITHIN LOTS ARE SERVED BY REAR LOT UTILITY EASEMENTS.
- ROOF OVERHANGS ARE ALLOWED WITHIN FIVE (5) FOOT AND TEN (10) FOOT WIDE ELECTRICAL, GAS, TELEPHONE AND CABLE (ELECTRIC AND TELEPHONE) EASEMENTS. ROOF OVERHANGS ARE PROPOSED OR EXISTING WITHIN THOSE (5) FOOT WIDE EASEMENTS.



SUBDIVISION PLAT ESTABLISHING FAIR OAKS RANCH COMAL COUNTY UNIT 15 (RIVER VALLEY UNIT 2)

BEING 14.86 ACRES OF LAND OUT OF THE MARIA DE LA LUZ GUERRA SURVEY No. 172, ABSTRACT No. 173 COMAL COUNTY, TEXAS.

VICKREY & ASSOCIATES, INC.
CONSULTING ENGINEERS

12940 Country Parkway San Antonio, Texas 78216-2004
Telephone: (210) 349-3271
TPE Firm Registration No.: T-1519
TBPLS Firm Registration No.: 10004100

STATE OF TEXAS
COUNTY OF BEXAR

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, DRAINAGE EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

OWNER: HAUPTSTRASSE VILLAGE, LLC
DANA GREEN, MANAGER
9182 BLANCO
BERNIE, TEXAS 78006

STATE OF TEXAS
COUNTY OF BEXAR

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED
DANA GREEN, MANAGER, 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.

STATE OF TEXAS
COUNTY OF BEXAR

I HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN IN THIS PLAT TO THE MATTERS OF STREETS AND DRAINAGE LAYOUT, AND TO THE BEST OF MY KNOWLEDGE THIS PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION ORDINANCE.



Paul A. Schroeder
REGISTERED PROFESSIONAL ENGINEER #57564
PAUL A. SCHROEDER
12940 COUNTRY PARKWAY
SAN ANTONIO, TEXAS 78216
(210) 349-3271

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE _____ DAY OF _____ A.D., 2018.

NOTARY PUBLIC
STATE OF TEXAS

STATE OF TEXAS
COUNTY OF BEXAR

I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE ON THE GROUND UNDER MY SUPERVISION.

PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.

REGISTERED PROFESSIONAL LAND SURVEYOR #5160
PAUL A. SCHROEDER
12940 COUNTRY PARKWAY
SAN ANTONIO, TEXAS 78216
210-349-3271

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE _____ DAY OF _____ A.D., 2018.

NOTARY PUBLIC
STATE OF TEXAS

THIS PLAT OF FAIR OAKS RANCH COMAL COUNTY UNIT 15 (RIVER VALLEY UNIT 2) 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

STATE OF TEXAS
COUNTY OF COMAL

I, _____ COUNTY CLERK OF SAID COUNTY, DO HEREBY

CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE,

ON THE _____ DAY OF _____

A.D. _____ AT _____ M. AND DULY RECORDED THE _____ DAY OF _____

A.D. _____ AT _____ M. IN THE RECORDS OF _____

OF SAID COUNTY, IN DOCUMENT # _____

IN TESTIMONY WHEREOF, WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS _____

DAY OF _____ A.D. _____

COUNTY CLERK, COMAL COUNTY, TEXAS

By: _____ DEPUTY

THIS PROJECT WILL CONSIST OF 47 RESIDENTIAL LOTS,
4 GREENBELT LOTS AND 1 LOT FOR PRIVATE STREET.



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
November 1, 2018

AGENDA TOPIC: Approval of Mayor Manitzas' absence from the October 18, 2018 Council Meeting

DATE: November 1, 2018

DEPARTMENT: City Council

PRESENTED BY: Consent Agenda

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:

Approval of Mayor Manitzas' absence from the October 18, 2018 Council Meeting (Consent Agenda).



CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

November 1, 2018

AGENDA TOPIC: Consideration and possible action re-appointing Bud Paulson to the Kendall Appraisal District Board of Directors, for a two year term, beginning January 1, 2019

START DATE: November 1, 2018

DEPARTMENT: City Council

PRESENTED BY: Mayor Manitzas

INTRODUCTION/BACKGROUND:

Pursuant to Section 6.03a of the Texas Tax Code, appraisal districts are governed by a Board of Directors. It further states, “to be eligible to serve on the Board, an individual must be a resident of the district and must have resided in the district for at least two years immediately preceding the date the individual takes office.” Up until 2018, appointments to the Board were made by cumulative voting by each taxing entity based on the unit’s tax levy. Since 2013, Bud Paulson, resident of Fair Oaks Ranch, Kendall County, has been elected to serve on the Kendall Appraisal District Board of Directors.

In January 2018, after receiving appropriate approval from all applicable taxing entities, Kendall Appraisal District Board of Directors changed the selection of the Board of Directors to a two-year staggered term *by appointment by the Appraisal District*, as authorized by Texas Tax Code 6.034. Under Resolution 2017-12, City Council further resolved the determination of which Directors will be appointed to two-year terms and which Directors will be appointed to one-year terms, during the transition period, would be accomplished by agreement of the sitting Directors.

Kendall Appraisal District has notified Mayor Manitzas of Mr. Paulson’s one-year term expiring December 31, 2018 and ask for a decision on Mr. Paulson’s reappointment or replacement. In meeting with Mr. Paulson, he has confirmed his desire to be re-appointed.

Today’s agenda item is to request City Council’s approval to re-appoint Mr. Paulson to the Kendall Appraisal District Board of Directors for a two-year term, expiring December 31, 2021.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

1. Follows state statute on appointments to the district’s Board of Directors
2. Ensures city representation on the Kendall Appraisal District Board
3. Confirms Mr. Paulson’s, a resident and city volunteer, desire to serve on the Board

LONGTERM FINANCIAL & BUDGETARY IMPACT:

N/A

LEGAL ANALYSIS:

N/A

RECOMMENDATION/PROPOSED MOTION:

I move to approve the re-appointment of Mr. Bud Paulson to the Kendall Appraisal District Board of Directors, effective January 1, 2019 for a two year term.



CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

November 1, 2018

AGENDA TOPIC: Discussion and possible action on the first reading of an Ordinance amending the City's Master Fee Schedule

DATE: November 1, 2018

DEPARTMENT: Administration

PRESENTED BY: Assistant City Manager, C. Vanzant

INTRODUCTION/BACKGROUND:

The City of Fair Oaks Ranch funds its operations through many different revenue sources. One of the sources of revenue is fines and fees. The purpose of assessing fines and fees is to charge the recipient of the service directly for the cost of providing those services, rather than having the cost of those direct services subsidized by another revenue source. Some of these fines and fees include:

1. Inspection fees – charges related to the physical inspection of buildings, sites, etc.
2. License and permit fees – charges imposed to defray the cost incurred in processing applications for licenses and permits which authorize the holder to engage in a specific function or activity.
3. Penalty Fees and Fines – charges imposed for non-compliance with specific city requirements.
4. User fees – charges imposed for a service or a product that a business or individual receives for his/her personal, economic, or physical benefit.
5. Special service fees – charges for time and materials costs incurred by the City in the course of providing an extraordinary service.

The City's last revision of the fee schedule occurred in November 2002. As such, the primary purpose of this project was to assess the current fee schedule, and determine if the fees being charged properly cover the cost of the service provided, and if the current fees are reasonable.

The project included a comprehensive review of the existing fee schedule. Each fee was assessed, and departments were asked to also assess whether current services were being provided as efficiently as possible. After cost of service was weighed against any efficiencies to be gained, a proper fee was determined for each service. Attached provides a report of services, current rate/fee for each service, proposed rate/fee for each service. Amendments are noted in italics. Department heads will be available during the Council meeting to answer any questions you might have. This agenda item proposes an amendment to the current master fee schedule for City Council consideration and approval. If adopted, it is staff's recommendation that the Master Fee Schedule Ordinance will go into effect January 2, 2019. Please note that staff anticipates future amendments to this Schedule will be forthcoming as additional growth management tools are adopted and implemented.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

1. Complies with the City's Financial Policy that a review of fees and charges is performed.
2. Ensures services associated with a user fee or charge, the direct and indirect costs of that service is offset, where possible.
3. Sets fees and rates to meet the fiscal and policy goals and objectives of the City.
4. Meets the desires of the City Council that fees be reasonable and equitable.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

As the examination sought to rectify any undercharge in fees or non-charge for services by aligning fees with the cost of service more accurately or by creating fees to offset the cost of service, the proposed Master Fee Schedule will assist staff and Council with long term financial planning. No negative impact to future budgets.

LEGAL ANALYSIS:

Ordinance was reviewed and approved as to form.

RECOMMENDATION/PROPOSED MOTION:

I move to approve the first reading of an Ordinance amending the City's Master Fee Schedule.

ANIMAL CONTROL

	Current Rate/Fee	Proposed Rate/Fee	Notes
Registration and Tag Fee:			
Neutered/spayed dogs/cats	\$5.00		
Unneutered/spayed dogs/cats	\$10.00		
Replacement Tag		\$2.00	<i>New fee; cover cost of tag</i>
Impound fee (per animal/per day):			
First impoundment	\$30.00		
Second impoundment	\$50.00		
Third and subsequent impoundment, applies to animal impounded w/in 12-month calendar	\$75.00		
Owner Surrender		\$40.00	<i>New fee; cover contractor fee</i>
Boarding Fee (per animal/per day)	\$15.00		
Residential quarantine (10 day period)	\$50.00		

	Current Rate/Fee	Proposed Rate/Fee	Notes
BUILDING CODES			
<i>Building permit/inspection (new home)</i>	\$.48 per sq ft	<i>\$.52 per sq ft</i>	<i>Comparable</i>
Building permit/inspection (all others) based on project valuation:			
Less than \$1,000.00	\$25.00		
\$1,000 - \$9,999.00	\$25.00 for the first \$1,000.00 plus \$6.75 for each additional thousand or fraction thereof to and including \$9,999.00		
\$10,000 - \$24,999.00	\$85.75 for the first 10,000.00 plus \$6.25 for each additional thousand or fraction thereof to and including \$24, 999.00		
\$25,000 - \$49,999.00	\$179.50 for the first \$25,000.00 plus \$5.75 for each additional thousand or fraction thereof to and including \$49,999.00		
\$50,000 - \$74,999.00	\$323.25 for the first \$50,000.00 plus \$5.25 for each additional thousand or fraction thereof to and including \$74,999.00		
\$75,000 - \$99,999.00	\$454.50 for the first \$75,000.00 plus \$4.75 for each additional thousand or fraction thereof to and including \$99,999.00		
\$100,000 - \$499,999.00	\$573.25 for the first \$100,000.00 plus \$4.25 for each additional thousand or fraction thereof to and including \$499,999.00		
\$500,000 and over	\$2,273.25 for the first \$500,000 plus \$3.75 for each additional thousand or fraction thereof		
Fence permit	\$50.00		
Moving building permit including temporary structures	\$100.00		
Demolition building permit	\$100.00		
Extension of expired permit	50% of original permit fee (good for a 60-day period)		

	Current Rate/Fee	Proposed Rate/Fee	Notes
<i>Administrative fee for cancellation of issued permit</i>		<i>10% of permit fee</i>	<i>New fee; Comparable</i>
Reinspection	\$50.00 (at the discretion of the inspector)		
Contractor registration	\$75.00		
Plan review (commercial only)	1/2 the cost of building permit fee		
<i>Flood Plain Development Permit</i>		<i>\$50.00</i>	<i>New fee; Comparable</i>
Penalty fees:			
<i>Failure to Obtain Certificate of Occupancy prior to occupying</i>		<i>\$200.00</i>	<i>New fee; Comparable</i>
Failure to Obtain Permit prior to construction	Double of original permit fee		
Board of Appeal (Building Codes)	\$75.00 (nonrefundable)		

	Current Rate/Fee	Proposed Rate/Fee	Notes
MISCELLANEOUS PERMITS			
Golf cart permit	\$20.00		
Golf cart replacement permit sticker		\$5.00	<i>New fee; cover cost of sticker</i>
Sign permit:			
Temporary signs (subdivision, banner, new business)	\$25.00		
Permanent signs (subdivision, commercial)	\$100.00		
Peddler's Permit:			
Application, per person	\$10.00	\$40.00	<i>Cost of application processing and background check by 3rd party</i>
Issuance, per person	\$40.00	\$30.00	
Food establishment permits - gross annual income of food establishment based on prior year food sales as shown by federal or state income reports/statements:			
\$0.00 - \$24,999.99	\$100.00	\$125.00	<i>Cover Inspection cost</i>
\$25,000 - \$49,999.99	\$125.00	\$150.00	<i>Cover Inspection cost</i>
\$50,000 - \$149,999.99	\$200.00	\$225.00	<i>Cover Inspection cost</i>
\$150,000 or more	\$300.00	\$325.00	<i>Cover Inspection cost</i>
Late fee assessment, per day	\$5.00		
Convenience store/mini-marts selling pre-packaged food	\$100.00	\$125.00	<i>Cover Inspection cost</i>

	Current Rate/Fee	Proposed Rate/Fee	Notes
Roadside vendor	\$100.00	<i>\$125.00</i>	<i>Cover Inspection cost</i>
Bed and Breakfast	\$100.00	<i>\$125.00</i>	<i>Cover Inspection cost</i>
Foster care	\$35.00	<i>\$50.00</i>	<i>Cover Inspection cost</i>
Child care center	\$75.00	<i>\$100.00</i>	<i>Cover Inspection cost</i>
Temporary event - 4 day event (paid prior to event)	\$20.00	<i>\$30.00</i>	<i>Cover Inspection cost</i>
Nonprofit organizations are exempt from paying fees but must comply with TAC rule 229.372c			

	Current Rate/Fee	Proposed Rate/Fee	Notes
MISCELLANEOUS SERVICES			
Paper copies (up to 8 1/2 x 11) per page	\$0.15	<i>\$0.50</i>	<i>Increase in paper cost</i>
Paper copies (8 1/2 x 14 and 11 x 17) per page	\$0.50	<i>\$1.00</i>	<i>Increase in paper cost</i>
Paper copies (24 x 36 - 48" x 36") per page	\$5.00	<i>\$10.00</i>	<i>Cost increase in speciality paper</i>
Copies of public records through PIA request	As set forth by Texas Administrative Code Chapter 70		Government Code Chapter 552
<i>Copies of police offense and incident report</i>		<i>Set by Texas Administrative Code Chapter 70</i>	<i>New fee; authorized by Government Code Chapter 551</i>
<i>Copies of accident or crash report</i>		<i>\$6.00</i>	<i>New fee; set by Transportation Code 550.06</i>
Faxes			
Sending local	\$3.00		
Sending long distance	\$4.00		
Receiving	\$3.00		
Return check, ach, and/or credit card charge	\$30.00	<i>\$35.00</i>	<i>Comparable statewide</i>
Credit card service fee	2.5% of total charge		
<i>Non-resident fingerprinting service</i>		<i>\$10.00</i>	<i>New fee; by law required to perform service</i>
Sign variance	\$100.00		
Non-conforming sign removal and impound, per day	\$10.00		

	Current Rate/Fee	Proposed Rate/Fee	Notes
MUNICIPAL COURT			
Municipal court security fee	\$3.00		Criminal Code of Procedures Art 102.017
Municipal court technology fee	\$4.00		Criminal Code of Procedures Art 102.0172
Municipal court time payment fee	\$25.00		Local Government Code Chapter 133.103
Warrant processing fee	\$25.00		Criminal Code of Procedures Art 45.203

	Current Rate/Fee	Proposed Rate/Fee	Notes
PUBLIC WORKS			
<i>Service charge for city infrastructure damage repair caused by 3rd party, per hour:</i>			
<i>Mini-excavator</i>		<i>\$45+ personnel charge</i>	<i>New fee; comparable</i>
<i>Sweeper</i>		<i>\$55 + personnel charge</i>	<i>New fee; comparable</i>
<i>Skid Steer with attachment (sweeper, grapple, compactor)</i>		<i>\$55 + personnel charge</i>	<i>New fee; comparable</i>
<i>Backhoe</i>		<i>\$55 + personnel charge</i>	<i>New fee; comparable</i>
<i>Chipper</i>		<i>\$30 + personnel charge</i>	<i>New fee; comparable</i>
<i>Dump Truck</i>		<i>\$30 + personnnel charge</i>	<i>New fee; comparable</i>
<i>Crane Truck</i>		<i>\$30 + personnel charge</i>	<i>New fee; comparable</i>
<i>Service truck with tools</i>		<i>\$25 + personnel charge</i>	<i>New fee; comparable</i>
<i>Air Compressor</i>		<i>\$20 + personnel charge</i>	<i>New fee; comparable</i>
<i>Saw</i>		<i>\$15+ personnel charge</i>	<i>New fee; comparable</i>
<i>Jack</i>		<i>\$10 + personnel charge</i>	<i>New fee; comparable</i>
<i>Televising wastewater main</i>		<i>\$150 + personnel charge</i>	<i>New fee; comparable</i>
<i>Trailer Pump</i>		<i>\$30 + personnel charge</i>	<i>New fee; comparable</i>
<i>Pump, Water</i>		<i>\$15 + personnel charge</i>	<i>New fee; comparable</i>
<i>Pump, Sewer</i>		<i>\$15 + personnel charge</i>	<i>New fee; comparable</i>

	Current Rate/Fee	Proposed Rate/Fee	Notes
<i>City sign repair</i>		<i>Actual Cost+ personnel charge</i>	<i>New fee; comparable</i>
<i>Personnel charge for service operations, per hour:</i>			
<i>Regular business hours (7:30 a.m. - 4:30 p.m., Monday-Friday)</i>		<i>\$35.00</i>	<i>New fee; comparable</i>
<i>After regular business hours</i>		<i>\$70.00</i>	<i>New fee; comparable</i>
<i>Right of Way Construction Permit</i>		<i>\$100.00</i>	<i>New fee; comparable</i>
<i>Failure to Obtain Right of Way Construction Permit</i>		<i>\$50.00</i>	<i>New fee; comparable</i>

	Current Rate/Fee	Proposed Rate/Fee	Notes
SUBDIVISION/LAND DEVELOPMENT REGULATIONS			
<i>Vested rights verification letter</i>		\$100.00	<i>New fee; comparable</i>
<i>Zoning verification letter</i>		\$100.00	<i>New fee; comparable</i>
<i>Re-zoning Application Fee</i>		\$600.00	<i>New fee; comparable</i>
<i>Zoning Board of Adjustment variance/appeal application</i>		\$300.00	<i>New fee; comparable</i>
Replat	\$300.00	\$600.00	<i>Comparable</i>
Amending Plat - Administratively	\$50.00	\$250.00	<i>Comparable</i>
Amending Plat - Public Hearing	\$50.00	\$600.00	<i>Comparable</i>
Subdivision Plat (Includes Preliminary and Final)	\$100 + \$5 per lot	\$600 + \$50 per lot	<i>Comparable</i>
<i>Vacation of Subdivision Plat</i>		\$200.00	<i>New fee; comparable</i>
<i>Development Plats</i>		\$600 + \$50 per acre	<i>New fee; comparable</i>
<i>Plat Extension</i>		\$150.00	<i>New fee; comparable</i>
<i>County Recordation Fees</i>		<i>Actual as determined by the County Clerk + federal mileage rate</i>	
Site Plan	\$100.00		
<i>Planned Unit Development Plan Review</i>		\$600 + \$50 per acre	<i>New fee; comparable</i>
<i>Planned Unit Development Amendment</i>		\$600 + \$50 per acre	<i>New fee; comparable</i>
<i>Specific Use Permit</i>		\$600 + \$50 per acre	<i>New fee; comparable</i>

	Current Rate/Fee	Proposed Rate/Fee	Notes
<i>Traffic Impact Analysis Review Fee</i>		<i>Actual Cost of Consultant</i>	<i>New fee; comparable</i>
Variance to subdivison/development regulations	\$100.00		

	Current Rate/Fee	Proposed Rate/Fee	Notes
WASTEWATER			
Wastewater Rates			
Service Availability	Based on the previous years service availability rate plus inflation factor		
Wastewater Fees			
TCEQ	The annual TCEQ wastewater fee divided by number of service connections the month payment is made to TCEQ		
Debt Service	The wastewater portion of the total debt payment (including principal and interest) in upcoming fiscal year divided by number of service connections.		
Capital Reserve	The budget goal divided by number of service connections as determined on June 1 annually		
Impact Fee:			
Final Plat Approval between Dec 7, 1999 - Jan 15, 2004	\$1,028.00		Ordinance 131
Final Plat Approval between Jan 16, 2004 - Dec 13, 2014	\$1,006.95		Ordinance 145
Plat Recordation between Dec 14, 2014 - Current	\$1,550.00		Ordinance 2014-18
Wastewater connection fee (per occurrence)	\$500.00	\$700.00	Comparable
Tap fee		Personnel Charge + material/equipment charge (see Public Works)	Previously part of connection fee; now separate fee
Inspection Fee - Private tap, per account		\$50.00	New fee; comparable
Service charge for city infrastructure damage repair caused by 3rd party, per hour:		Personnel Charge + material/equipment charge (see Public Works)	New fee; comparable

	Current Rate/Fee	Proposed Rate/Fee	Notes
WATER CHARGES			
<i>Tap fee, per account:</i>			
3/4"	\$400.00	\$700.00	Comparable
1"	\$400.00	\$700.00	Comparable
Over 1"	\$400.00	Personnel Charge + material/equipment charge (see Public Works)	Comparable
<i>Meter Install, per account:</i>			
3/4"	Included in Tap Fee	\$625.00	Comparable
1"	Included in Tap Fee	\$800.00	Comparable
Over 1"	Included in Tap Fee	Personnel Charge + material/equipment charge (see Public Works)	Comparable
<i>Inspection Fee - Private tap, per account</i>		\$50.00	Comparable
Disconnect fee, non-payment	\$75.00		
Reconnect fee :			
Nonpayment (service performed 8:00 AM - 4:00 PM)	\$75.00		
Customer Request (service performed 8:00 AM - 4:00 PM)	\$75.00		
After hours service		\$150.00	Double of business hours
Move Water Meter		Personnel Charge + material/equipment charge (see Public Works)	Comparable

	Current Rate/Fee	Proposed Rate/Fee	Notes
<i>MXU Replacement due to customer damage</i>		<i>Personnel Charge + material cost</i>	<i>Comparable</i>
<i>Meter Replacement due to customer damage</i>		<i>Personnel Charge + material cost</i>	<i>staff determination</i>
<i>Water Hydrant:</i>			
<i>Water Hydrant Application Fee</i>		<i>\$30.00</i>	<i>Same as residential rate</i>
<i>Water Hydrant Hook Up and Disconnect</i>		<i>\$150.00</i>	<i>Comparable</i>
<i>Monthly Maintenance</i>		<i>\$50.00</i>	<i>Comparable</i>
<i>Service charge for city infrastructure damage repair caused by 3rd party, per hour:</i>	<i>\$0.00</i>	<i>Personnel Charge + material/service charge (see Public Works)</i>	<i>Comparable</i>
<i>Application Fee</i>	<i>\$25.00</i>	<i>\$30.00</i>	<i>Comparable</i>
<i>Late Charge</i>	<i>10%</i>		
<i>Water Rates:</i>			
<i>Service availability:</i>			
<i>3/4" meter</i>	<i>\$26.48</i>		
<i>1" meter</i>	<i>\$28.01</i>		
<i>1 1/2" meter</i>	<i>\$41.02</i>		
<i>2" meter</i>	<i>\$48.33</i>		
<i>3" meter</i>	<i>\$62.94</i>		
<i>4" meter</i>	<i>\$94.42</i>		

	Current Rate/Fee	Proposed Rate/Fee	Notes
Tiered volume charges:			
Residential (cost per 1,000 gallons):			
0-6,000 gallons	Base Service Charge		
6,001 gallons to 12,500 gallons	\$3.81		
12,501 gallons to 25,000 gallons	\$4.76		
25,001 gallons to 50,000 gallons	\$7.14		
50,001 gallons to 75,000 gallons	\$10.72		
75,0001 gallons to 100,000 gallons	\$16.07		
Over 100,000 gallons	\$24.11		
Commercial (cost per 1,000 gallons):			
0-6,000 gallons	Base Service Charge		
6,001 gallons to 50,000 gallons	\$3.25		
50,001 gallons to 100,000 gallons	\$4.87		
100,001 gallons to 150,000 gallons	\$7.31		
Over 150,000 gallons	\$10.97		

	Current Rate/Fee	Proposed Rate/Fee	Notes
Water Fees:			
Surface water	Cost of water distributed by GBRA calculated in dollars per thousand gallons times 6,000 gallons minimum and billed at 75%		
Texas Commission on Environmental Quality	The annual TCEQ water fee divided by number of service connections the month payment is made to TCEQ		
Trinity Glen Rose Groundwater Conservation District	The ration of total monthly water produced divided by total monthly water billed times the TGRGCD prevailing rate		
Debt service	The water portion of the total bond payment (including principal and interest) in upcoming fiscal year divided by number of service connections as determined on June 1 annually		
Capital reserve	The budget goal divided by number of service connections as determined on June 1 annually		
Bulk water rates (per 1000 gallons):			
0 gallons to 75,000 gallons	\$5.00	\$5.65	Comparable
75,001 gallons and over	\$5.00	\$6.30	Comparable
Nonpotable water rates:			
0 gallons to 6,000 gallons	\$24.00	\$25.00	Comparable
Tiered volume charges per 1,000 gallons:			
6,001 - 100,000 gallons	\$1.15	\$1.20	Comparable
100,001 - 200,000 gallons	\$1.45	\$1.55	Comparable

	Current Rate/Fee	Proposed Rate/Fee	Notes
<i>Each 1,000 gallons over 200,000 gallons</i>	\$1.65	\$2.00	<i>Comparable</i>
New lawn watering permit	\$25.00		
Lawn watering variance	\$50.00		
Variance from drought stage, non refundable	\$150.00		
Drought surcharge rates			
Stage 1, moderate water shortage conditions - residential cost per 1,000 gallons:			
0-25,000 gallons	\$0.00		
25,001-40,000 gallons	\$5.00		
40,001-60,000 gallons	\$6.00		
60,001-75,000 gallons	\$7.00		
75,001-100,000 gallons	\$10.00		
Over 100,000 gallons	\$12.50		

	Current Rate/Fee	Proposed Rate/Fee	Notes
Stage 2, severe water shortage conditions - residential cost per 1,000 gallons:			
0-18,000 gallons	\$0.00		
18,001-25,000 gallons	\$5.00		
25,001-40,000 gallons	\$7.50		
40,001-60,000 gallons	\$10.00		
60,001-75,000 gallons	\$15.00		
75,001-100,000 gallons	\$20.00		
Over 100,000 gallons	\$30.00		
Stage 3, critical water shortage conditions - residential cost per 1,000 gallons:			
0-18,000 gallons	\$0.00		
18,001-25,000 gallons	\$5.00		
25,001-40,000 gallons	\$7.50		
40,001-60,000 gallons	\$10.00		
60,001-75,000 gallons	\$15.00		
75,001-100,000 gallons	\$20.00		
Over 100,000 gallons	\$30.00		
Impact Fee:			

	Current Rate/Fee	Proposed Rate/Fee	Notes
Final Plat Approval between Dec 7, 1999 - Jan 15, 2004	\$960.00		Ordinance 134
Final Plat Approval between Jan 16, 2004 - Dec 13, 2014	\$1,668.58		Ordinance 145
Plat Recordation between Dec 14, 2014 - Current	\$5,400.00		Ordinance 2014-18

AN ORDINANCE

OF THE CITY OF FAIR OAKS RANCH AMENDING APPENDIX A “MASTER FEE SCHEDULE” OF THE CODE OF ORDINANCES OF THE CITY OF FAIR OAKS RANCH, TEXAS; CONTAINING FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; PROVIDING A REPEAL CAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, a Master Fee Schedule, providing for fees assessed to cover the costs associated with the efficient operation of the City, was passed and approved in November 2002; and

WHEREAS, city staff, after performing a thorough review of the Master Fee Schedule, has provided recommendations to the Schedule for City Council consideration; and,

WHEREAS, the proposed cost recovery fees meet the desire that fees be reasonable and equitable; and,

WHEREAS, after careful consideration of the city’s current financial plan and of city services, the City Council of the City of Fair Oaks Ranch, Texas has determined amending the Master Fee Schedule is warranted.

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

SECTION I. FINDINGS INCORPORATED.

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION II. MASTER FEE SCHEDULE.

The “*Master Fee Schedule*” of the Code of Ordinances of the City of Fair Oaks Ranch, Texas is hereby amended to read in its entirety as set out in **Exhibit A**, which is attached and made a part of this ordinance.

SECTION III. REPEAL CLAUSE.

All ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

SECTION IV. SEVERABILITY.

If for any reason any section, paragraph, subsection, clause, phrase, word, or provision of this Ordinance shall be held invalid or unconstitutional by final judgment of a Court of competent jurisdiction it shall not affect any other section, paragraph, subsection, clause, phrase, word or provision of this Ordinance, for it is the definite intent of this City Council that every section, paragraph, subsection, clause, phrase, word, or provision hereof be given full force and effect for its purpose.

SECTION V. MEETING NOTICE.

The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this Ordinance was discussed, considered or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required by law at all times during

such discussion, consideration and action.

SECTION VI. EFFECTIVE DATE.

After its passage and approval, this ordinance shall take effect January 2, 2019.

PASSED and APPROVED on first reading this 1st day of November, 2018.

PASSED, APPROVED AND ADOPTED on second reading this 15th day of November, 2018.

Garry Manitzas, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, City Secretary

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

MASTER FEE SCHEDULE - APPENDIX A OF THE CITY CODE OF ORDINANCES

ANIMAL CONTROL

Registration and Tag Fee:	
Neutered/spayed dogs/cats	\$5.00
Unneutered/spayed dogs/cats	\$10.00
Replacement Tag	\$2.00
Impound fee (per animal/per day):	
First impoundment	\$30.00
Second impoundment	\$50.00
Third and subsequent impoundment, applies to animal impounded w/in 12-month calendar	\$75.00
Owner Surrender	\$40.00
Boarding Fee (per animal/per day)	\$15.00
Residential quarantine (10 day period)	\$50.00

BUILDING CODES

Building permit/inspection (new home)	\$.52 per sq ft
Building permit/inspection (all others) based on project valuation:	
Less than \$1,000.00	\$25.00
\$1,000 - \$9,999.00	\$25.00 for the first \$1,000.00 plus \$6.75 for each additional thousand or fraction thereof to and including \$9,999.00
\$10,000 - \$24,999.00	\$85.75 for the first 10,000.00 plus \$6.25 for each additional thousand or fraction thereof to and including \$24,999.00
\$25,000 - \$49,999.00	\$179.50 for the first \$25,000.00 plus \$5.75 for each additional thousand or fraction thereof to and including \$49,999.00
\$50,000 - \$74,999.00	\$323.25 for the first \$50,000.00 plus \$5.25 for each additional thousand or fraction thereof to and including \$74,999.00
\$75,000 - \$99,999.00	\$454.50 for the first \$75,000.00 plus \$4.75 for each additional thousand or fraction thereof to and including \$99,999.00
\$100,000 - \$499,999.00	\$573.25 for the first \$100,000.00 plus \$4.25 for each additional thousand or fraction thereof to and including \$499,999.00
\$500,000 and over	\$2,273.25 for the first \$500,000 plus \$3.75 for each additional thousand or fraction thereof
Fence permit	\$50.00
Moving building permit including temporary structures	\$100.00
Demolition building permit	\$100.00
Extension of expired permit	50% of original permit fee (good for a 60-day period)
Administrative fee for cancellation of issued permit	10% of permit fee
Reinspection	\$50.00 (at the discretion of the inspector)
Contractor registration	\$75.00
Plan review (commercial only)	1/2 the cost of building permit fee
Flood Plain Development Permit	\$50.00
Penalty fees:	

Failure to Obtain Certificate of Occupancy prior to occupying	\$200.00
Failure to Obtain Permit prior to construction	Double of original permit fee
Board of Appeal (Building Codes)	\$75.00 (nonrefundable)

MISCELLANEOUS PERMITS

Golf cart permit	\$20.00
Golf cart replacement permit sticker	\$5.00
Sign permit:	
Temporary signs (subdivision, banner, new business)	\$25.00
Permanent signs (subdivision, commercial)	\$100.00
Peddler's Permit:	
Application, per person	\$40.00
Issuance, per person	\$30.00
Food establishment permits - gross annual income of food establishment based on prior year food sales as shown by federal or state income reports/statements:	
\$0.00 - \$24,999.99	\$125.00
\$25,000 - \$49,999.99	\$150.00
\$50,000 - \$149,999.99	\$225.00
\$150,000 or more	\$325.00
Late fee assessment, per day	\$5.00
Convenience store/mini-marts selling pre-packaged food	\$125.00
Roadside vendor	\$125.00
Bed and Breakfast	\$125.00
Foster care	\$50.00
Child care center	\$100.00
Temporary event - 4 day event (paid prior to event)	\$30.00
Nonprofit organizations are exempt from paying fees but must comply with TAC rule 229.372c	

MISCELLANEOUS SERVICES

Paper copies (up to 8 1/2 x 11) per page	\$0.50
Paper copies (8 1/2 x 14 and 11 x 17) per page	\$1.00
Paper copies (24 x 36 - 48" x 36") per page	\$10.00
Copies of public records through PIA request	As set forth by Texas Administrative Code Chapter 70
Copies of police offense and incident report	As set forth by Texas Administrative Code Chapter 70
Copies of accident or crash report	\$6.00
Faxes	
Sending local	\$3.00
Sending long distance	\$4.00
Receiving	\$3.00
Return check, ach, and/or credit card charge	\$35.00
Credit card service fee	2.5% of total charge
Non-resident fingerprinting service	\$10.00
Sign variance	\$100.00
Non-conforming sign removal and impound, per day	\$10.00

MUNICIPAL COURT

Municipal court security fee	\$3.00
Municipal court technology fee	\$4.00
Municipal court time payment fee	\$25.00
Warrant processing fee	\$25.00

PUBLIC WORKS

Service charge for city infrastructure damage repair caused by 3rd party, per hour:	
Mini-excavator	\$45 + personnel charge
Sweeper	\$55 + personnel charge
Skid Steer with attachment (sweeper, grapple, compactor)	\$55 + personnel charge
Backhoe	\$55 + personnel charge
Chipper	\$30 + personnel charge
Dump Truck	\$30 + personnnel charge
Crane Truck	\$30 + personnel charge
Service truck with tools	\$25 + personnel charge
Air Compressor	\$20 + personnel charge
Saw	\$15+ personnel charge
Jack	\$10 + personnel charge
Televising wastewater main	\$150 + personnel charge
Trailer Pump	\$30 + personnel charge
Pump, Water	\$15 + personnel charge
Pump, Sewer	\$15 + personnel charge
City sign repair	Actual Cost+ personnel charge
Personnel charge for service operations, per hour:	
Regular business hours (7:30 a.m. - 4:30 p.m., Monday-Friday)	\$35.00
After regular business hours	\$70.00
Right of Way Construction Permit	\$100.00
Failure to Obtain Permit	\$50.00

SUBDIVISION/LAND DEVELOPMENT REGULATIONS

Vested rights verification letter	\$100.00
Zoning verification letter	\$100.00
Re-zoning application	\$600.00
Zoning Board of Adjustment variance/appeal application	\$300.00
Replat	\$600.00
Amending Plat - Administratively	\$250.00
Amending Plat - Public Hearing	\$600.00
Subdivision Plat (Includes Preliminary and Final)	\$600 + \$50 per lot
Vacation of Subdivision Plat	\$200.00
Development Plats	\$600 + \$50 per acre
Plat Extension	\$150.00
County Recordation Fees	Actual as determined by the County Clerk + federal mileage rate
Site Plan	\$100.00
Planned Unit Development Plan Review	\$600 + \$50 per acre
Planned Unit Development Amendment	\$600 + \$50 per acre
Specific Use Permit	\$600 + \$50 per acre
Traffic Impact Analysis Review Fee	Actual Cost of Consultant
Variance application to subdivison/development regulations	\$100.00

WASTEWATER CHARGES

Wastewater Rates	
Service Availability	Based on the previous years service availability rate plus inflation factor
Wastewater Fees	
TCEQ	The annual TCEQ wastewater fee divided by number of service connections the month payment is made to TCEQ
Debt Service	The wastewater portion of the total debt payment (including principal and interest) in upcoming fiscal year divided by number of service connections.
Capital Reserve	The budget goal divided by number of service connections.
Impact Fee:	
Final Plat Approval between Dec 7, 1999 - Jan 15, 2004	\$1,028.00
Final Plat Approval between Jan 16, 2004 - Dec 13, 2014	\$1,006.95
Plat Recordation between Dec 14, 2014 - Current	\$1,550.00
Wastewater connection fee, per occurrence	\$700.00
Tap fee	Personnel Charge + material/equipment charge (see Public Works)
Inspection Fee - Private tap, per account	\$50.00
Service charge for city infrastructure damage repair caused by 3rd party, per hour:	Personnel Charge + material/equipment charge (see Public Works)

WATER CHARGES

Tap fee, per account:	
3/4"	\$700.00
1"	\$700.00
Over 1"	Personnel Charge + material/equipment charge (see Public Works)
Meter Install, per account:	
3/4"	\$625.00
1"	\$800.00
Over 1"	Personnel Charge + material/equipment charge (see Public Works)
Inspection Fee - Private tap, per account	\$50.00
Disconnect fee, non-payment	\$75.00
Reconnect fee :	
Nonpayment (service performed 8:00 AM - 4:00 PM)	\$75.00
Customer Request (service performed 8:00 AM - 4:00 PM)	\$75.00
After hours service	\$150.00
Move Water Meter	Personnel Charge + material/equipment charge (see Public Works)
MXU Replacement due to customer damage	Personnel Charge + material cost
Meter Replacement due to customer damage	Personnel Charge + material cost
Water Hydrant:	
Water Hydrant Application Fee	\$30.00
Water Hydrant Hook Up and Disconnect	\$150.00
Monthly Maintenance	\$50.00
Personnel charge for service operations, per hour:	

Regular business hours (7:30 a.m. - 4:30 p.m., Monday-Friday)	\$35.00
After regular business hours	\$70.00
Service charge for city infrastructure damage repair caused by 3rd party, per hour:	Personnel Charge + material/equipment charge (see Public Works)
Application Fee	\$30.00
Late Charge	10%
Water Rates:	
Service availability:	
3/4" meter	\$26.48
1" meter	\$28.01
1 1/2" meter	\$41.02
2" meter	\$48.33
3" meter	\$62.94
4" meter	\$94.42
Tiered volume charges:	
Residential (cost per 1,000 gallons):	
0-6,000 gallons	Base Service Charge
6,001 gallons to 12,500 gallons	\$3.81
12,501 gallons to 25,000 gallons	\$4.76
25,001 gallons to 50,000 gallons	\$7.14
50,001 gallons to 75,000 gallons	\$10.72
75,0001 gallons to 100,000 gallons	\$16.07
Over 100,000 gallons	\$24.11
Commercial (cost per 1,000 gallons):	

0-6,000 gallons	Base Service Charge
6,001 gallons to 50,000 gallons	\$3.25
50,001 gallons to 100,000 gallons	\$4.87
100,001 gallons to 150,000 gallons	\$7.31
Over 150,000 gallons	\$10.97
Water Fees:	
Surface water	Cost of water distributed by GBRA calculated in dollars per thousand gallons times 6,000 gallons minimum and billed at 75%
Texas Commission on Environmental Quality	The annual TCEQ water fee divided by number of service connections the month payment is made to TCEQ
Trinity Glen Rose Groundwater Conservation District	The ration of total monthly water produced divided by total monthly water billed times the TGRGCD prevailing rate
Debt service	The water portion of the total bond payment (including principal and interest) in upcoming fiscal year divided by number of service connections as determined on June 1 annually
Capital reserve	The budget goal divided by number of service connections as determined on June 1 annually
Bulk water rates (per 1000 gallons):	
0 gallons to 75,000 gallons	\$5.65
75,001 gallons and over	\$6.30
Nonpotable water rates:	
0 gallons to 6,000 gallons	\$25.00
Tiered volume charges per 1,000 gallons:	
6,001 - 100,000 gallons	\$1.20
100,001 - 200,000 gallons	\$1.55
Each 1,000 gallons over 200,000 gallons	\$2.00
New lawn watering permit	\$25.00

Lawn watering variance	\$50.00
Variance from drought stage, non refundable	\$150.00
Drought surcharge rates	
Stage 1, moderate water shortage conditions - residential cost per 1,000 gallons:	
0-25,000 gallons	\$0.00
25,001-40,000 gallons	\$5.00
40,001-60,000 gallons	\$6.00
60,001-75,000 gallons	\$7.00
75,001-100,000 gallons	\$10.00
Over 100,000 gallons	\$12.50

Stage 2, severe water shortage conditions - residential cost per 1,000 gallons:	
0-18,000 gallons	\$0.00
18,001-25,000 gallons	\$5.00
25,001-40,000 gallons	\$7.50
40,001-60,000 gallons	\$10.00
60,001-75,000 gallons	\$15.00
75,001-100,000 gallons	\$20.00
Over 100,000 gallons	\$30.00
Stage 3, critical water shortage conditions - residential cost per 1,000 gallons:	
0-18,000 gallons	\$0.00
18,001-25,000 gallons	\$5.00
25,001-40,000 gallons	\$7.50
40,001-60,000 gallons	\$10.00
60,001-75,000 gallons	\$15.00
75,001-100,000 gallons	\$20.00
Over 100,000 gallons	\$30.00
Impact Fee:	
Final Plat Approval between Dec 7, 1999 - Jan 15, 2004	\$960.00
Final Plat Approval between Jan 16, 2004 - Dec 13, 2014	\$1,668.58
Plat Recordation between Dec 14, 2014 - Current	\$5,400.00



CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

November 1, 2018

AGENDA TOPIC: Discussion regarding the creation of a strategic planning team regarding the expansion of Ralph Fair Road.

DATE: November 1, 2018

DEPARTMENT: Administration

PRESENTED BY: City Manager

INTRODUCTION/BACKGROUND:

TxDOT has indicated they are in the infancy stage of evaluating the need to expand Ralph Fair Road/FM 3351 from I-10 to SH 46. Accordingly, the City has retained professional consulting services (Gateway Planning) to serve as the City's owner's representative. As the City's representative, Gateway Planning will work with our Citizens, City Council, and Staff to frame and develop design plans consistent with the form and character of the City while maintaining necessary levels of service relative to projected growth within the region.

In an effort to work collaboratively with TXDOT and their consulting engineers, Staff recommends City Council establish a strategic planning team to assist with this endeavor. Key strategy elements will include but are not limited to the following:

- Role of the City
- Public engagement
- Noise abatement;
- Form and function consistent with the Comprehensive Plan (sustainability);
- Traffic control and signage;
- Multi-modal if desired (car, bike, horse, golf cart, etc.);
- Level of Service (movement of goods and people);
- Ingress/Egress through the City;
- Access Management (drive cuts to private property as it develops); and
- Others....

Staff recommends the strategic planning team consist of 2-3 Council members and 1-2 citizen volunteers. City staff will serve as the liaison to the team.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

Continued implementation of an operational plan for the programming and mobilization of human, material, and capital project resources directly tied citizen driven service expectations.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

TBD

LEGAL ANALYSIS:

TBD

RECOMMENDATION/PROPOSED MOTION:

Provide City Staff with insight and general direction if City Council desires to move forward with establishing a strategic planning team for Ralph Fair Road expansion project.



CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

November 1, 2018

AGENDA TOPIC: Discussion regarding Chapter 552 of the Texas Government Code.

DATE: November 1, 2018

DEPARTMENT: Administration

PRESENTED BY: City Manager

INTRODUCTION/BACKGROUND:

The Texas Public Information Act (the Act) was adopted in 1973 and sets requirements for the ability of citizens to access information on action taken by governmental bodies. The preamble of the Act is codified in Chapter 552 of the Texas Government Code. It declares the basis for the policy of open government expressed in the Public Information Act and explains this principle in terms of the need for an informed citizenry. The City of Fair Oaks Ranch is subject to the Act.

In 2017, the Texas Legislature amended Chapter 552 of the Texas Government Code in response to entities subject to the Act being inundated with request for information by the same individual. Specifically, Section 552.275 authorizes a governmental body to establish a reasonable limit on the amount of time that personnel are required to spend producing public information to a requestor without recovering the costs attributable to the personnel time related to that requestor. Part One, Chapter VII, Paragraph E, of the 2018 Attorney General of Texas Public Information Act Handbook (attached) summarizes this amendment.

Currently, the City Secretary is effectively administering a workload through her assigned division that is unprecedented in the City's history. As a result, she is faced with many challenges, including the task of managing the level of effort necessary to respond to request for information subject to the Act. Recognizing the community's overwhelming desire to operate like a business, deliver public services at a high level, and keep property taxes low, we must be as effective in communicating and soliciting realistic organizational performance expectations and costs the City can afford.

Since November 2017, the City has received 80 requests for information under the Act. Of said 80 requests for information, 39 or 49% have been submitted by one individual. On average, 2 to 3 hours per day of personnel time is dedicated to responding to a request for information subject to the Act. The City Secretary, City Attorney, and department heads are the primary individuals impacted as they are responsible for responding to requests subject to the Act. Relative to requests subject to the ACT, the City is not recovering attributable personnel cost.

Accordingly, staff believes consideration of a policy establishing reasonable limits on the amount of time that personnel are required to spend responding to request subject to the Act without recovering attributable cost is warranted. If the City Council agrees, staff will work with the City Attorney to develop an ordinance for City Council consideration. The purpose of this agenda item to seek Council insight and general direction.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

Continued implementation of an operational plan for the programming and mobilization of human, material, and capital project resources directly tied citizen driven service expectations.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

Over the past two budget cycles, City staff has worked diligently to more accurately program staffing levels (full time equivalents-FTE) based on a cost-build perspective that is directly tied to the level of effort necessary to deliver citizen driven service expectations. Further, our fiduciary policy position has been to program for the recovery of costs attributable to delivering services.

By way of background, it was determined during the FY 2018-2019 budget cycle that an additional FTE (Deputy City Secretary) was warranted within the City Secretary's service grouping.

LEGAL ANALYSIS:

The 85th Legislature amended Chapter 552 of the Texas Government Code authorizing a governmental body to establish a reasonable limit on the amount of time that personnel are required to spend producing public information to a requestor without recovering the costs attributable to the personnel time related to that requestor.

RECOMMENDATION/PROPOSED MOTION:

Provide City Staff with insight and general direction if City Council desires to move forward with an ordinance establishing reasonable limits on the amount of time that personnel are required to spend producing public information to a requestor without recovering the costs attributable to the personnel time related to that requestor.

E. Cost Provisions Regarding Requests Requiring a Large Amount of Personnel Time

Section 552.275 authorizes a governmental body to establish a reasonable limit, not less than 15 hours for a one month period or 36 hours in a 12 month period, on the amount of time that personnel are required to spend producing public information for inspection or copies to a requestor, without recovering the costs attributable to the personnel time related to that requestor.²¹⁴ If a governmental body chooses to establish a time limit under this section, a requestor will be required to compensate the governmental body for the costs incurred in satisfying subsequent requests once the time limit has been reached. The 85th Legislature amended section 552.275 to allow county officials who have designated the same officer for public information to calculate time for purposes of this section collectively.²¹⁵ A limit under this section does not apply if the requestor is an elected official of the United States, the State of Texas, or a political subdivision of the State of Texas; or an individual who, for a substantial portion of the individual's livelihood or for substantial financial gain is seeking the information for (a) dissemination by a new medium or communication service provider, or (b) creation or maintenance of an abstract plant as described by section 2501.004 of the Insurance Code.²¹⁶ Section 552.275 does not replace or supersede other sections, and it does not preclude a governmental body from charging labor for a request for inspection or copies for inspection for which a charge is authorized under other sections of this law.



On establishing the time limit, a governmental body must make it clear to all requestors that the limit applies to all requestors equally, except as provided by the exemptions of subsections (j), (k), and (l). A governmental body that avails itself of section 552.275 must provide a requestor with a statement detailing the time spent in complying with the instant request and the cumulative amount of time the requestor has accrued towards the established limit.²¹⁷ A governmental body may not charge for the time spent preparing the statement.²¹⁸ If a requestor meets or exceeds the established limit, the governmental body may assess charges for labor, overhead, and material for all subsequent requests. The governmental body is required to provide a written estimate within ten business days of receipt of the request, even if the estimated total will not exceed \$40.00. All charges assessed under section 552.275 must be in compliance with the rules promulgated by the attorney general.²¹⁹ If a governmental body provides the requestor with a written statement under this section, and the time limits prescribed have been met, the governmental body is not required to respond unless the requestor submits payment.²²⁰ If a requestor fails to submit payment, the request is considered withdrawn.²²¹

²¹⁴ Gov't Code §552.275(a), (b).

²¹⁵ Gov't Code §552.275(a-1).

²¹⁶ Gov't Code §552.275(j).

²¹⁷ Gov't Code § 552.275(d).

²¹⁸ Gov't Code § 552.275(d).

²¹⁹ Gov't Code § 552.275(e).

²²⁰ Gov't Code § 552.275(g).

²²¹ Gov't Code § 52.275(h).



CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

November 1, 2018

AGENDA TOPIC: Discussion and possible action approving an amendment to the professional services contract with Gap Strategies.

DATE: November 1, 2018

DEPARTMENT: Administration

PRESENTED BY: 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 consider enactment of interim zoning regulations to protect the public welfare and property values while the full UDC is considered in detail by our citizens, city staff, the Planning and Zoning Commission, and the City Council.

The amendment under consideration today encompasses the scope of services necessary to finalize the UDC as referenced above (attached).

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

Responsible Growth Management is one of the four main risk areas of focus in the Strategic Plan developed by the City Council.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

The fiscal year 2018-2019 budget includes funding for the completion of the UDC. The proposed lump-sum contract includes discounted rates offered by Gap Strategies and their sub consultants. The total contract amount shall not exceed \$60,000

LEGAL ANALYSIS:

The existing professional service agreement with Gap Strategies was written by the City Attorney's office. It is the standard contract utilized by the City for contracting professional services. If the proposed scope of services and fee schedule is approved, the existing professional services agreement with Gap Strategies will be amended accordingly.

RECOMMENDATION/PROPOSED MOTION:

Staff recommends approval of the attached professional services agreement with Gap Strategies.

The following motion would be appropriate:

"I move to approve an amendment to the professional services contract with Gap Strategies in an amount not to exceed **\$60,000.**"



Dear Mr. Maples,

We appreciate the opportunity to perform additional services for Fair Oaks Ranch. Gap Strategies proposes to amend our existing contract and to perform the additional scope of services described below for a total of \$60,000, including both fee and expenses.

This scope will include:

1. Completing the Unified Development Code that was outlined and prepared in rough draft form during the City's Comprehensive Plan process. This will include amending and refining the UDC to conform to the final provisions of the Comprehensive Plan, and to recommendations made by the community and approved by staff, Planning and Zoning, and Council members.
2. Incorporating existing development regulations, including subdivision rules and the new zoning code adopted as part of the Comprehensive Plan. The zoning code will be reconfigured to coordinate with, cross-reference, and be an integral part of the broader UDC.
3. Maintain an up-to-date website and social media presence on the project so that Fair Oaks Ranch citizens can follow the progress of the project.
4. Facilitate a depth on-site discussion and work session with City staff to review the UDC, including follow-up legislative drafting to reflect consensus and telephone calls.
5. Conduct presentations at the following public meetings, including preparation and facilitation:
 - Joint meeting between the Council and the P&Z on Nov. 8 to kick-off the work.
 - Two additional workshop meetings with the P&Z, one focused more on design and form-based code, and one focused more on infrastructure and subdivision process. This work includes edits and drafting in response to direction from the P&Z.
 - A public hearing at P&Z to consider the UDC and to make recommendations to Council. We anticipate that it could be helpful to include the City Council in this public hearing/workshop.
 - A public hearing at City Council to review the UDC, including the recommended draft from the P&Z and any amendments made to that document at the final P&Z meeting.

- City Council meeting for consideration of adoption of the UDC on first reading.

6. Assist the City with training staff on issues related to the UDC, and with design of a handbook or other communication tools to help explain procedures to applicants and the citizenry. The approximate time commitment for this work is included in the accompanying Excel Spreadsheet.

7. All travel, internet hosting fees, and other expenses called out in the accompanying spreadsheet. Note: this proposal does not include advertising for public meetings, which we assume will be handled separately by the City, nor printing of the final UDC for distribution. The UDC will be presented in a format suitable for electronic viewing. We will provide the City with copies of any base files or final electronic files requested so that if the City decides to print copies of the UDC at a later date it will have them in its possession.

8. Additional meetings or other additional scope of work will be negotiated based on the discounted hourly rates provided in the accompanying spreadsheet. Any additional expenses beyond those discussed here, if requested by the City, will be covered at cost plus 10 percent for administration.

Discount for the City:

This fee-and-expense proposal represents a substantial discount from our team's current, regular hourly fees. On the accompanying spreadsheet, we have included the bare minimum number of hours we think will be required to accomplish these tasks. These hours are reduced from our initial estimates. Except where noted, we will apply as many hours as necessary to accomplish the work laid out in scope described above and further detailed in the accompanying spreadsheet. In addition, even based on this "bare" number of hours, we have discounted our rates by 15% for Gap Strategies and about 5% for Gateway Planning. This is above any discount we typically offer local governments. Finally, we have discounted the total work and fee an additional \$1,038 to make a final proposal of \$60,000, flat fee. These rates are offered in recognition of the on-going nature of the work and our established relationship with Fair Oaks Ranch. Our team is committed to assisting the City with its development of a final UDC and a strong set of comprehensive governing regulations for development within the City.



Jeff Barton
Partner and Authorized Agent
Gap Strategies
Oct. 29, 2018

Future of Fair Oaks Ranch: Planning Scope Additions and Amendments, 2018-19

Additional Scope of Work added to finish the UDC for Fair Oaks Ranch	Jeff Barton, AICP, Partner		Kara Buffington, Partner		Tom Forrest, MPA		Meridith Prescott, MPAff		Graduate Planning Asst		Admin/ Intern		Rob Parsons (Gateway)		Total Fee + Exp this task
	\$187		\$145		\$162		\$76		\$53		\$38		\$168		
	Hours	Fee	Hours	Fee	Hours	Fee	Hours	Fee	Hours	Fee	Hours	Fee	Hours	Fee	
Task 1: Unified Development Code															
Detailed review meeting with staff, including advance preparation: questions, edits, review of last spring -- and initial efforts to "reknit" the zoning chapt	12		6		10		20						6		
Modify UDC after after staff input	6		0		12		8						4		
Prepare and present at Nov 8 Joint Council and P&Z Workshop Meeting	8		4				10								
Prepare and present at P&Z #2 (Dec 13) on Form-Based Code and design issues	12		6				10						10		
Follow-up meeting/phone conf. with staff on progress and technical issues	3		1		4		2						2		
Prepare and present at P&Z #3 (January.) on subdiv. Issues	12		4		20		10								
Phone conf or meeting with City Manager and development staff to clarify final direction/revisions (Nov. 30 tent.)	4		2		6		4						2		
P&Z #4. Review final issues. Prepare and Present Public Hearing and vote on recommended adoption. (TBD.) [Include city council if possible]	12		6		12		12						2		
City Council Meeting #2: Walk Council through P&Z recommendations and get feedback (TBD) Combine with P&Z #4	0		0		0		0						0		
Prepare and Present City Council Public Hearing on UDC (Council Meeting #3), adoption on 1st reading (TBD)	12		4		4		10								
Final Adoption (Feb. 21)	6		4		2		4								
Final Coordination and amendments to the Comp Plan	3		1		2		6								
Task 1 Subtotal	84	\$15,708	38	\$5,510	72	\$11,664	96	7296	0		0		26	4368	\$44,546
Task 2: Website, social media, press, engagement															
Upkeep and updates on website and social media			10												
Update presentation on "how we got here" for web, social media and P&Z/Council	1		2				4								
Press releases before adoption, and assistance with questions	1		3				3								
Task 2 Subtotal	2	374	15	\$2,175		\$0	7	\$532							\$3,081.00
Task 3: Development Handbook and Staff Training															
Assist City Manager to develop application and procedures	2				2										
Assist City with design of digital copy and print-ready hard copy	1		6				6						2		
Training for Staff and assistance with Implementation	5		1		5		1						5		
Task 3 Subtotal	8	1,496	7	\$1,015	7	\$1,134	7	\$532					8	\$1,344	\$5,521.00
Task 4: Project Administration															
Coordination, scheduling, filing, routine proj admin	12		4		4		4						6		
Task 4 Subtotal	12	\$2,376	4	\$2,448	4	\$684	4	\$324					6	\$1,050	\$7,090.00
Hours	102		64		83		114						40		
Total Projected Fee (all tasks combined)															\$60,238.00

Reimbursable Expenses		
Advertising / Public notice		0
Travel	\$700.00	
Travel meals	\$0.00	
Food for working meetings with City and Stakeholders	0	
Production of boards and display	0	
Internet and social media hosting	\$100	
Room rental for public meetings	0	
Subtotal Reimbursable Expenses	\$800.00	

TOTAL COMPENSATION: Fee + Expenses (all tasks combined)		\$61,038
Proposed July, 2018. Revised and updated kbb 9_13_18. Revised and updated with additional discount, jwb 10_28_18		

Rates reflected are discounted rates. An additional discount of \$1,038 is applied to the final proposal, for a final total FLAT FEE	
PROPOSED PRICE	60,000