



**CITY OF FAIR OAKS RANCH**  
**AGENDA – CITY COUNCIL REGULAR MEETING**  
June 18, 2015; 7:00 p.m.  
Fair Oaks Ranch City Hall, 7286 Dietz Elkhorn

**I. ROLL CALL – DECLARATION OF A QUORUM**

**II. OPEN MEETING**

A. Pledge of Allegiance by Garry Manitzas.

**III. OPEN MEETING**

Oath of Office, Police Officer Ysidro (Timo) Rodriguez

**IV. 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

**V. CONSENT AGENDA**

All of the following items are considered to be routine by the City Council, there will be no separate discussion on these items and will be enacted with one motion. Items may be removed by any Council Member by making such request prior to a motion and vote.

A. Approval of May 18, 2015, and May 27, 2015 Special City Council Meeting Minutes.

P1 - P3

B. Approval of May 21, 2015 Regular City Council Meeting Minutes.

P4 - P9

**VI. CONSIDERATION ITEMS**

A. Approval of Amending Resolution 2013-17 to include a second Regular City Council Meeting on the first Thursday of each month at 9:30am. Mayor

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B. Consideration of Electing Mayor Pro-Tem to serve for a one year term. Mayor

P12

C. Approval of a Resolution removing and appointing a City Council Member to the Fair Oaks Ranch Capital Improvements Advisory Committee. Mayor

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D. Consideration of authorizing the Mayor to sign a first amendment to the agreement for provision of professional services between the City of Fair Oaks Ranch and the Fair Oaks Ranch Municipal Development District to include certain administrative services. Deputy City Administrator

P15 - P16

E. Consideration of approving Ordinance 2015-03; Granting to Grey Forest Utilities a non-exclusive natural gas franchise relating to the distribution and sale of gas in the City through the use of public streets, easements and rights of way. Deputy City Administrator

P17 - P23

**VII. REPORTS FROM STAFF / COMMITTEES / COUNCIL**

Staff:

- 1) Project Manager – Update on the Public Safety Facility.
- 2) Police – Follow up report on After the Flood.
- 3) City Administrator -
  - a) Work Plan Status Report on recruitment and selection, classification & pay plan, employee evaluation process, personnel manual, IT support, upgrade audio/visual capabilities of City Council Chambers, enhance website, bond issue, separate operating and capital funds, multi-Year capital improvement program, strategic planning process, general law vs. home rule governance, revisions to city's subdivision regulations, expand water and sewer service into the City's remaining ETJ, inter-local development agreements, agreements for fire code enforcement, office of the City Administrator/City Manager, public safety building, oak wilt survey, extension of solid waste contract, and TCEQ water system regulatory requirements.
  - b) Updated Summer Planning Calendar.
- 4) Mayor – Texas Comptroller of Public Accounts 2015 Platinum Leadership Circle Award.
- 5) Council – Requests from City Council member to place items on a future agenda.

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VIII. ADJOURNMENT

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Signature of Agenda Approval: 

I, Priscilla Abrego, 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.fairoaksranctx.org](http://www.fairoaksranctx.org), both places being convenient and readily accessible to the general public at all times. Said Notice was posted by 5:00 p.m., Friday, June 12, 2015 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 *Tex Gov't 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).

**MINUTES, MAY 18, 2015; 9:30 AM  
CITY OF FAIR OAKS RANCH  
7286 DIETZ ELKHORN  
FAIR OAKS RANCH, TEXAS 78015**

**I. CALL TO ORDER**

Council Members Present: Mayor Pro Tem Fothergill, Alderman Damstra, and Alderwoman Havard.

Council Members Absent: Alderman Anderson and Alderman Schmidt.

Having a quorum present, Mayor Landman called the Special Council meeting to order at 9:30 a.m.

**II. CANVASS OF GENERAL ELECTION**

Motion: Made by Alderman Damstra, seconded by Alderwoman Havard to approve Resolution 2015-03 canvassing the results of the General Election held May 9, 2015.

Vote: 3-0.

**III. CEREMONIAL EVENTS**

Elected Councilmembers signed their Statement of Elected Officer.

Mayor Landman provided the Oath of Office to elected Councilmembers and issued Certificate of Election to elected Councilmembers.

Mayor Landman acknowledged Conrad Fothergill for his years of service on City Council and presented him with a pen.

**IV. ADJOURNMENT**

Mayor Landman adjourned the meeting at 9:39 a.m.

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Mayor Cheryl Landman

ATTEST:

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City Secretary P. Abrego

**MINUTES, MAY 27, 2015; 3:00 PM  
CITY OF FAIR OAKS RANCH  
7286 DIETZ ELKHORN  
FAIR OAKS RANCH, TEXAS 78015**

**I. CALL TO ORDER**

Council Members Present: Alderwoman Havard, Alderman Manitzas, Alderman Damstra, Alderman Hartpence, and Alderman Schmidt.

Having a quorum present, Mayor Landman called the Special Council meeting to order at 3:00 p.m.

**II. DISCUSSION ITEM**

Mayor Landman presented and discussed the City's process on organizing, developing, analyzing, and utilization of the survey projects (Wildlife/White-tail Deer Survey, Values and Functions Survey).

**III. CONSERATION ITEM**

- A. Consideration of setting a date for timely review of the Wildlife and Deer Survey, Council appointment of ad-hoc Deer Committee participants and time frame for Committee to provide recommendations to City Council.**

Alderwoman Havard stated over the past several years ago a citizen survey regarding deer was completed, a deer committee was formed at direction of the Council, a multi-year study was completed by Texas A&M University, a deer damage report mechanism was placed on the City's website for use by citizens, and a second citizen survey was conducted this past March. No action has been taken to date by City Council to bring this agenda item to closure.

**MOTION:** Made by Alderman Manitzas, seconded by Alderwoman Havard to move forward on bringing the Wildlife and Deer Survey item to closure by the following actions:

- Resend out an executive version of the deer study to our citizens with comments about viable options.
- Gather citizen input through a Town Hall meeting to be scheduled as soon as practical.
- Place the follow up decision making to the deer study and citizen input in the October 2015 time frame following the Town Hall meeting.
- Formalize the program as part of the annual budget process for 2015-2016.

**DISCUSSION:** None

**VOTE:** 5-0.

- B. Consideration of setting a time line for review of the Values and Functions Survey to include all citizens' comments and determination of what information should be translated into budget submissions for future budgets.**

Alderwoman Havard stated the Values and Functions Citizen Survey was proposed and completed in early 2015. A thorough review and discussion of the results has not been completed and there has been neither public release of the results nor public release of citizen comments. Alderman Schmidt stated we do need closure on this topic.

**MOTION:** Made by Alderman Schmidt, seconded by Alderwoman Havard that staff review the Values and Functions Survey (aka Citizen Engagement Survey) to include all citizens' comments and at that time determine what information should be translated into the budget process for October 2015-2016.

**DISCUSSION:** None

**VOTE:** 5-0.

**C. Consideration of delaying the Volunteer Pool Application Survey until after City Council review and approval of the proposed policy governing City of Fair Oaks Ranch citizen surveys.**

Alderwoman Havard stated that at the May 21, 2015 City Council meeting, the Mayor reported she was approximately ten days out from releasing the Volunteer Pool Application Survey. Survey content has not been reviewed nor approved by the Council. On May 22<sup>nd</sup>, the Mayor sent out a follow-up email indicating the item in question was not a survey, but an application only. In addition she provided a copy of the survey/application for review. Mayor Landman stated that she receives numerous phone from potential volunteers. Volunteers are needed in the fire department, schools, FORHA, etc. this would be an opportunity to create a pool of volunteers for us to utilize when necessary. Attorney Zech recommended that we modify the application to list only governmental agencies and add a disclosure statement that volunteers must be over the age of eighteen. Alderwoman Havard requested that the following items be removed: Transportation Assistance, Homeowners Association, Restrictions Committee, and Mentor Reading for the Fair Oaks Elementary School, Litter Adopt a Highway, Annual Shred Day, and Meals on Wheels. All members of City Council agreed that once the changes have been made the application can move forward.

**D. Consideration on issues related to agenda-setting Council meetings.**

Alderman Hartpence would like to amend Resolution 2013-17 to allow Council Members to add item(s) to the agenda without being removed and to increase the time when the public can speak. Alderman Schmidt and Alderwoman Havard support the amendments. The proposal to be placed on the June 2015 Regular City Council meeting agenda.

**IV. ADJOURNMENT**

Mayor Landman adjourned the meeting at 5:10 p.m.

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Mayor Cheryl Landman

ATTEST:

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City Secretary P. Abrego

**MINUTES, MAY 21, 2015; 7 PM  
CITY OF FAIR OAKS RANCH  
7286 Dietz Elkhorn  
Fair Oaks Ranch, TX 78015**

**I. ROLL CALL – DECLARATION OF A QUORUM**

Council members Present: Alderman Damstra, Manitzas, and Hartpence, and Alderwoman Havard.  
Council members Absent: Alderman Schmidt.  
Having a quorum present, Mayor Landman called the regular City Council meeting to order at 7:00 p.m.

**II. OPEN MEETING**

Pledge of Allegiance was led by Steve Hartpence.

**III. CITIZENS and GUEST FORUM / PRESENTATIONS**

**A. Citizens to be Heard -**

Roy Elizondo, 28240 Steeplechase Lane, asked Council to defer approval of the public safety building contract as the community has questions on the cost and location of the building. Residents want to be assured the changes to the city campus will not adversely affect neighboring properties. He expressed concern there's no formal long-term strategy to ensure funds are being reserved to maintain and replace assets.

Ken Nichols, 30143 Cibolo Run, encouraged Council to approve the Battle Intense Mobility Project.

**B.** Josh Pettiette, Vice President of Product Business Development & Strategic Planning for GVTC presented the value of fiber optics and how it will ensure the long-term viability of the City. In the future, broadband will be the one tool utilized as it provides faster speeds, improved video and TV quality, and increased home values. Some newer developed areas in the City are currently using fiber optics. GVTC has partnered with Boerne, Bulverde and Gonzales and would like to partner with Fair Oaks Ranch, if interested. Mayor Landman stated unless she hears differently she will move forward in discussions with GVTC in what the partnership might detail.

**IV. CONSENT AGENDA**

At the request of Alderman Hartpence, Mayor Landman moved the April 16, 2015 special city council meeting minutes and the Ordinance amending the City of Fair Oaks Ranch code of ordinances, Chapter 13; article 13.03; section 13.03.014 – water loss appeal adjustment process to Consideration.

**MOTION:** Made by Alderwoman Havard, seconded by Alderman Damstra to approve the April 16, 2015 regular City Council meeting minutes, a Resolution amending authorized representatives to TexPool; City's investment pool, and to authorize the Mayor to sign the Houston-Galveston Area Council Cooperative Purchase Program Agreement.

**VOTE:** 4-0; Motion Passed.

**V. CONSIDERATION ITEMS**

**A. Approval of the April 16, 2015 Special City Council Meeting Minutes.**

Alderman Hartpence stated the Minutes reference one test well and he requests the Minutes reflect multiple wells since the Development Agreement refers to multiple wells. Mayor Landman noted these Minutes are only a part of an executive session discussion about one test well and that they are written exactly the way the City Attorney stated in open session. Alderman

Hartpence responded the Minutes does not reflect what the Development Agreement requires. Mayor Landman responded the Development Agreement was not the agenda item. Alderman Hartpence stated he understands and has made his comments.

**MOTION:** Made by Alderman Damstra to approve the April 16, 2015 Special City Council Meeting Minutes. No second was made.

**B. Approval of Ordinance amending the City of Fair Oaks Ranch code of ordinances chapter 13; article 13.03; section 13.03.014; water loss appeal adjustment procedure.**

Alderman Hartpence stated the Water AMR Program is not complete as the Dashboard is not up and running; thus, customers have no access to view their water consumption or to receive alerts in real time. He added the existing method is clear as the formula is based on historical data and noted he is on board with doing the new method eventually just not now. Alderman Manitzas feels the wording is loose in terms of how the loss is calculated and feels FORU needs to disclose what tool they are going to use and how it will be calculated. Public Works Director Emmons stated the data from the automatic meter reading system shows when a leak started and the volume of water loss. This method is a good way to do the calculations as it is real time vs historical usage. Alderman Hartpence stated the ordinance needs to be defined better, be less ambiguous, and more refined. Alderman Manitzas agreed stating the language needs to be cleaned up. Alderwoman Havard concurred.

**MOTION:** No motion made.

**C. Electing an Alderman to serve as Mayor Pro Tem or to postpone the Election until the next regular City Council meeting.**

It was noted Alderman Schmidt is not present and that postponing would not have an effect on city governance.

**MOTION:** Made by Alderwoman Havard, seconded by Alderman Manitzas to postpone electing an Alderman to serve as Mayor Pro Tem until the next regular City Council meeting.

**DISCUSSION:** None.

**VOTE:** 4-0; Motion Passed.

**D. Second amended agreement for solid waste collection services with Republic Services dba Allied Waste Services/BFI Waste Services for one year starting October 1, 2015.**

Interim City Administrator Jahns stated the Republic Services contract is due to expire and the City has two options: sign a new five-year agreement or extend the current contract for one year. Staff recommends the one year extension as this will provide the opportunity to create an appropriate bid package next year and, it also provides the time to incorporate the Woods into the contract. Republic Service will pick up glass as part of the recycle program, and have no rate increase.

**MOTION:** Made by Alderman Manitzas, seconded by Glenn Damstra to authorize the Mayor to sign a second amended agreement for solid waste collection services with Republic Services for one year starting October 1, 2015.

**DISCUSSION:** None.

**VOTE:** 4-0; Motion Passed.

- E. Agreement with Pape-Dawson Engineers for the Roadway Reconstruction Project, at a total not-to-exceed amount of \$1,040,885, for road and drainage consulting services, to be paid from Bond proceeds, and a total not-to-exceed amount of \$278,725 for waterline consulting services to be paid from the Enterprise Fund.**

Public Works Director Emmons stated a Committee consisting of two city staff members and three Fair Oaks Ranch residents reviewed the eight Statements of Qualifications received from interested engineering firms. After selecting the top three Firms, each conducted a presentation on their approach to the project, their company's past experiences, on innovative ideas, and how they could bring value to the City. After the presentations, the Committee voted on Pape Dawson. A scope of service including a consulting firm to assist with several aspects of the project, engineering design and calculations, developing construction drawings, and public outreach program was developed and priced. Emmons recommends the City Council authorize the Mayor to sign the standard professional services agreement with Pape Dawson. When asked by Alderman Hartpence if there are enough funds to cover this project, Pape Dawson responded they are confident that the job will be done within budget. Sam Dawson, CEO of Pape Dawson Engineers, stated this project is very important to him and that his Firm is honored to be selected. Alderman Manitzas stated he was impressed with the methodology and presentation on everything he has seen.

**MOTION:** Made by Alderman Hartpence, seconded by Alderman Manitzas authorizing the Mayor to sign an agreement with Pape-Dawson Engineers for the Roadway Reconstruction Project, at a total not-to-exceed amount of \$1,040,885, for road and drainage consulting services, to be paid from Bond proceeds, and a total not-to-exceed amount of \$278,725 for waterline consulting services to be paid from the Enterprise Fund.

**DISCUSSION:** None.

**VOTE:** 4-0; Motion Passed.

- F. Resolution authorizing the Mayor to sign a Community Development Block Grant Program Cooperative Agreement with Bexar County.**

Alderwoman Havard researched the impact other Counties encountered with this Agreement noting one of the requirements is to have a consolidated plan allowing for existing housing units, affordable homeownership, and rental housing. She believes Fair Oaks Ranch does not have the population needs and other than the political support she finds no advantage to the City in signing this Agreement. Alderman Manitzas expressed concerns regarding the HUD requirements: does not feel we will qualify for the grants and is worried about additional compliance issues.

**MOTION:** No motion made.

- G. Awarding the Public Safety Building construction to M.J. Boyle General Contractor, Inc. at a total amount not-to-exceed \$2,200,000.**

Project Manager Wiesepape stated seven bids were received with MJ Boyle being the lower bidder. When asked by Alderwoman Havard about Boyle's current litigation issue, DHR Architects responded the litigation is due to a subcontractor change order issue which is not uncommon in the industry. He further noted MJ Boyle has been in business for over 30 years and comes highly recommended. When asked by Alderman Manitzas if the City is still seeking a solution on the drainage issue, Project Manager Wiesepape stated yes. Alderman Manitzas agreed the current Police Station is terrible working condition and ultimately the project needs to get

done; however, he has concerns in approving the bid today due to the small 5% contingency, funding from the Reserves, and questions why other bidders came in so high. He feels the City would be better off delaying until a complete preliminary Reserve study or high-level Reserve study based on our real needs is performed. Alderman Hartpence did some research on MJ Boyle and has no issues with them, stating the approximate cost of the habitable area of the building is \$260 a square foot which is in line. He concurred that no employee should have to work in the poor conditions of the current Police Station and supports the project; but, being unaware of the cost to address the drainage issue he cannot support awarding the bid tonight but would likely endorse the project later after the unknowns are addressed. Alderwoman Havard stated she has concerns with having 5% available for change orders and not the usual 10%.

MOTION: No motion made.

**H. Awarding the Battle Intense Pathway Mobility construction to Myers Concrete Construction, LP at a total not-to-exceed the amount of \$169,092.**

Public Works Director Emmons stated with the recent rains he's concerned about adding more impervious cover to Battle Intense and requested additional time to assess the situation. Mayor Landman pulled the item from consideration.

**I. Awarding the 2015 Street Maintenance and Repair Program to Big Tex Paving, Inc., using Material Set No. 2, at a total amount of \$220,057.28.**

Public Works Director Emmons stated the City has historically used the chip sealing method in their annual street repair program which has done a good job at maintaining the stability of the overall integrity of the roads. An alternative method is micro-surfacing; a polymer modified asphalt. This method cost, per square yard, is higher than seal coating. With the bids this year he presented two options: the method currently being used and the alternative; he recommends the new method. When asked by Alderwoman Havard how the alternative product wears compared to the aggregate material currently used, Emmons responded it's stronger. Alderman Manitzas noted the new product creates a smoother ride.

MOTION: Made by Alderman Damstra, seconded by Alderman Manitzas to award the 2015 Street Maintenance and Repair Program to the low bidder, Big Tex Paving, Inc., using Material Set No. 2, at a total amount of \$220,057.28.

DISCUSSION: None.

VOTE: 4-0; Motion Passed.

**VI. DISCUSSION ITEMS**

Chief Ruben gave a presentation on traffic control devices, based on the Texas transportation law, on yield signs, stop signs, and crosswalks.

Alderwoman Havard noted Council members should take part in Citizen Engagement Surveys and offered to spearhead the Survey process. She also suggested the City look at how we conduct citizen surveys and create a policy on how they should be handled. Alderman Manitzas supports such a Policy noting surveys need to be statistically balanced.

**VII. REPORTS FROM STAFF / COMMITTEES / COUNCIL**

**1) Public Works –**

- a) As built documentation notice of violation on Fair Oaks Ranch Utilities Water System from Texas Commission on Environmental Quality (TCEQ).

TCEQ has alleged, though a Notice of Violation, that Fair Oaks Ranch Utilities does not have as built documentation of its' water system. Public Works Director Emmons stated he is confident the City has a very healthy and reliable water system and feels the Notice is an administrative cleanup on TCEQ's part. FORU has hired the law firm of Lloyd Gosselink who has filed an exception letter with TCEQ. Emmons noted we are not the only water system that has received this Notice. Alderman Hartpence stated he doubts any water system in the State has accurate as built documentation and wanted to know why we being singled out. Emmons responded, in his opinion, TCEQ is going after the little guys. Alderman Manitzas stated it sounds like we may need to get TML involved. When asked what the cost would be to create as built documentation, Emmons responded in the thousands. When asked by Alderwoman Havard if we move forward without as built documents what does the future hold, Emmons responded TCEQ may fine us or limit operation.

**b) Compliance investigation letter on Fair Oaks Ranch Utilities Wastewater Treatment Facility from Texas Commission on Environmental Quality (TCEQ).**

Public Works Director Emmons stated the TCEQ investigation report states FORU operation has no violations and is in full compliance with its' water/wastewater operating permit. Interim City Administrator Jahns noted the Notice of Violation on the as built issue is strictly an administrative function as TCEQ would not have provided a great report on their compliance investigation.

**c) Nuisance odor notice of violation on Fair Oaks Ranch Utilities Wastewater Treatment Facility from Texas Commission on Environmental Quality (TCEQ).**

Public Works Director Emmons stated FORU received an alleged nuisance violation on wastewater odor that affects adjoining property. Emmons noted FORU uses sludge drying beds - the nearest home is 150 feet from the beds. He further noted the wastewater plant was built before the neighboring properties were developed but the nuisance odor law does not care about that and case law is not in our favor. FORU has hired a consultant, C. Thomas Koch that has been working on a solution to the odor issue.

**d) Texas Commission on Environmental Quality (TCEQ) odor concerns at Wastewater Treatment Facility by C. Thomas Koch, Consultant.**

Mr. Koch has an engineering degree in civil and environmental issues and is licensed to practice in solving environmental issues. He suggests FORU may be able to do away with drying beds by either piping the sludge out or hauling it away. Doing either will increase the wastewater rates significantly. Interim City Administrator Jahns stated he has met with SAWS regarding transporting sludge to them. He further noted, in the long run, the City has to take a look at our wastewater treatment facility and determine how to address the future needs.

**2) Project Manager – Update on the Public Safety Building Project.**

Project Manager Wiesepape stated he has met with CPS regarding electrical power, AT&T regarding phone service, and Chartwell residents regarding the drainage issue and potential solution of a retaining wall.

**3) City Administrator -**

- a) City Administrator Jahns reported an offer for the HR Specialist position has been extended, we are currently recruiting police officers, trying to fast-track a three-year financial forecast that will include revenues and expenditures and reserves, and the classification/pay study is ongoing. He closed stating it will be a very busy summer for the Council this summer as we begin the budget process.
- a) City Administrator Jahns closed stating it we will be a very busy summer and we may need to move some of the meetings around.
- 4) Mayor –
  - a) Landman stated the partnership water study has been postponed for comments from SAWS and hopefully will be finalized in the near future.
  - b) Mayor Landman stated since 2000 the city has used an outside source and research professionals including PhD's to guide the City surveys. The Deer Wildlife Survey results is being developed so that it will be ready for the budget and anticipate a new Ad Hoc Advisory Committee will probably be established. On the Values and Function Survey, the citizen's comments are being put into categories as this helps during the budget process. The Volunteer Pool Application was reviewed by legal and will probably go out the first part of next week. Alderwoman Havard expressed concerns to the City Attorney that the Council is not involved in the creation of surveys/applications nor having final approval. When asking the City Attorney if the Mayor has authority to create and publish surveys/applications without Council review or approval in addition to limiting Council from placing items on Council meeting agendas, the Attorney stated, as the executive officer, she has the right to do so. He encouraged Alderwoman Havard to have a discussion with the City Administrator.
- 5) Council – Requests from City Council member to place items on a future agenda.

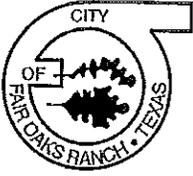
**VIII. ADJOURNMENT**

Mayor Landman adjourned the meeting at 10:05 p.m.

ATTEST:

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Mayor Cheryl Landman

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City Secretary P. Abrego



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## CITY COUNCIL CONSIDERATION ITEM

### CITY OF FAIR OAKS RANCH, TEXAS

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AGENDA TOPIC: Approval of city Resolution amending Resolution 2013-17 to include a second regular City Council meeting on the 1<sup>st</sup> Thursday of each calendar month at 9:30 a.m.

START/END DATE: Upon Approval

DEPARTMENT: City Council

PRESENTED BY: Mayor Landman

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#### **INTRODUCTION/BACKGROUND:**

State of Texas allows for regular and special City Council meetings to conduct city business. The City Council utilizes special meetings to fulfill various city needs including workshops, education presentations, action items, etc. Days and times vary considerably for these meetings as scheduling must work around Council's availability (a special meeting requires 4 council members be present), staff and outside participants' schedules, etc. The unplanned special meeting date is inconvenient for our citizens as well. During the last FOR Leadership Retreat, the City Attorney discussed options and suggested City Council consider a 2<sup>nd</sup> regularly scheduled Meeting each month. If there's no "city business", it can be cancelled. The first Thursday of each month regular City Council meeting's primary function is suggested to be a work session for presentations to Council on potential future agenda items. Doing such gives Council, citizens and staff more time to clarify, share concerns, make/implement suggestions before the item goes forward for Council consideration at a later date. The 3<sup>rd</sup> Thursday regular City Council meeting remains unchanged.

#### **POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:**

1. A specific monthly schedule will improve overall planning and decision-making as well as better consistency of handling City business for all: council, staff, attendees
2. More efficient and effective use of all resources -- facilities, staff, equipment, economics
3. Provide flexible time tables for the public to attend depending on their personal schedules with the 1<sup>st</sup> Thursday a morning meeting and the 3<sup>rd</sup> Thursday an evening meeting.

#### **LONGTERM FINANCIAL & BUDGETARY IMPACT:**

With the second regular City Council meeting during regular working hours, the basic cost ratio of operations doesn't change as utilities, staff, facilities are in place. With a regular schedule, there will be improved organization which minimizes indirect and direct costs. Office supplies (paper, copier ink, etc.) will have an increase.

#### **LEGAL ANALYSIS:**

Approved as to form

#### **RECOMMENDATION/PROPOSED MOTION:**

I move to approve a city Resolution amending Resolution 2013-17 to include a second regular City Council meeting to be held at 9:30 a.m. the first Thursday of each month.

**RESOLUTION 2015-xx**

**AMENDING RESOLUTION 2013-17; SECTION 2, PART 2 ESTABLISHING TIME AND PLACE OF REGULAR CITY COUNCIL MEETINGS AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, Texas Local Government Code, Section 22.038 states the governing body of a municipality shall meet at the time and place determined by a resolution adopted by the governing body and, shall determine the rules of its proceedings; and,

**WHEREAS**, Resolution 2013-17, passed and approved November 2013, establishes the Fair Oaks Ranch City Council regular meeting date; and

**WHEREAS**, the Fair Oaks Ranch City Council, the governing body for the City of Fair Oaks Ranch, Texas, finds a second monthly regular City Council meeting date is warranted to ensure effective and efficient governance.

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

**SECTION 1  
AMENDMENT**

The City Council Meeting Rules of Procedure, under Resolution 2013-17; Section 2-City Council Meeting Rules of Procedure; Part II-Time and Place of Meetings; Rule 4-Regular Meetings is amended as follows and all other resolutions or part of resolutions in conflict herewith are hereby repealed:

**Rule 4. Regular Meetings.** The City Council shall meet in regular session *on each first Thursday in each calendar month beginning at 9:30 a.m. and the third Thursday in each calendar month beginning at 7:00 p.m. unless postponed or cancelled for valid reason(s), in the Fair Oaks Ranch Council Chambers. The City Council, by a majority vote, may reschedule any regular meeting.*

**SECTION 2  
EFFECTIVE DATE**

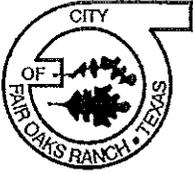
This Resolution will take effect immediately upon its passage and approval.

PASSED and APPROVED on this the 19th day of June, 2015.

\_\_\_\_\_  
Mayor Cheryl Landman

ATTEST:

\_\_\_\_\_  
City Secretary P. Abrego



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**CITY COUNCIL CONSIDERATION ITEM**  
**CITY OF FAIR OAKS RANCH, TEXAS**

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**AGENDA TOPIC:** Election of an Alderman to serve as Mayor Pro Tem.

**START/END DATE:** Upon election

**DEPARTMENT:** City Council

**PRESENTED BY:** Mayor

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**INTRODUCTION/BACKGROUND:**

**Texas Local Government Code - § 22.037...PRESIDENT PRO TEMPORE**

(b) At each new governing body's first meeting or as soon as practicable, the governing body shall elect one alderman to serve as president pro tempore for a term of one year.

(c) If the mayor fails, is unable, or refuses to act, the president pro tempore shall perform the mayor's duties and entitled to receive the fees and compensation prescribed for the mayor.

(d) If the mayor and the president pro tempore are absent, any alderman may be appointed to preside at the meeting.

**POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:**

N/A

**LONGTERM FINANCIAL & BUDGETARY IMPACT:**

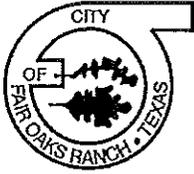
None as Mayor Pro Tem is not compensated.

**LEGAL ANALYSIS:**

See Introduction/Background above

**RECOMMENDATION/PROPOSED MOTION:**

Election of a Council Member to serve as Mayor Pro Tem.



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**CITY COUNCIL CONSIDERATION ITEM**  
**CITY OF FAIR OAKS RANCH, TEXAS**

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**AGENDA TOPIC:** Approval of a Resolution removing and appointing a City Council Member to the Fair Oaks Ranch Capital Improvements Advisory Committee.

**START/END DATE:** Upon approval

**DEPARTMENT:** City Council

**PRESENTED BY:** Mayor

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**INTRODUCTION/BACKGROUND:**

The Capital Improvements Advisory Committee (CIAC) serves in an advisory capacity and is established to follow the duties and functions set forth in Local Government Code § 395.058 (c) and of the City of Fair Oaks Ranch Capital Improvements Advisory Committee Rules and Procedures. Members have been asked to join the CIAC to assist City Council in their function of performing duties under Chapter 395 of the Local Government Code. The City Council of Fair Oaks Ranch has determined the designation of a city council member as City representative to the Committee is appropriate as Mark Anderson no longer serves on the Council; new member must be appointed.

**POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:**

N/A

**LONGTERM FINANCIAL & BUDGETARY IMPACT:**

N/A

**LEGAL ANALYSIS:**

N/A

**RECOMMENDATION/PROPOSED MOTION:**

Appoint new Council Member and approve Resolution of appointment.

**RESOLUTION 2015-xx**  
**REMOVING AND APPOINTING MEMBERS TO THE CITY OF FAIR OAKS RANCH**  
**CAPITAL IMPROVEMENTS ADVISORY COMMITTEE**

**WHEREAS**, the Capital Improvements Advisory Committee (Committee) serves in an advisory capacity and is established to follow the duties and functions set forth in Local Government Code 395.058 (c) and of the City of Fair Oaks Ranch Capital Improvements Advisory Committee Rules and Procedures; and,

**WHEREAS**, members have been asked to join the Committee to serve at the pleasure of the City Council to assist in their function in performing duties under Chapter 395 of the Local Government Code and the Capital Improvements Advisory Committee Rules and Procedures; and,

**WHEREAS**, the City Council of Fair Oaks Ranch has determined the Committee will be composed of no fewer than five members with 40 percent of the members representing the real estate, development, or building industries; and,

**WHEREAS**, the City Council of Fair Oaks Ranch has determined it appropriate to have a city council alderman and the city's Public Works Director appointed to the Committee as city representatives; and,

**WHEREAS**, the City Council of Fair Oaks Ranch deems it necessary to appoint a new city alderman to serve on the Committee as M. Anderson no longer serves on the Fair Oaks Ranch City Council.

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

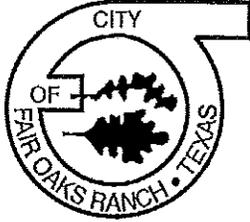
1. The City Council hereby removes M. Anderson from the City of Fair Oaks Ranch Capital Improvements Advisory Committee; and,
2. The City Council hereby appoints \_\_\_\_\_ to serve on the Fair Oaks Ranch Capital Improvement Advisory Committee as the representative of the Fair Oaks Ranch City Council.

PASSED, APPROVED and EFFECTIVE this the 18<sup>th</sup> Day of June 2015.

\_\_\_\_\_  
Cheryl Landman, Mayor

ATTEST:

\_\_\_\_\_  
P. Abrego, City Secretary



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## CITY COUNCIL AGENDA ITEM

CITY OF FAIR OAKS RANCH, TEXAS

Thursday, June 21, 2015

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**AGENDA TOPIC:** Authorizing the Mayor to sign a First Amendment to the agreement for provision of professional services between the City of Fair Oaks Ranch and the Fair Oaks Ranch Municipal Development District to include certain administrative services

**START/END DATE:** July 1, 2015

**DEPARTMENT:** City Secretary's Office

**PRESENTED BY:** FORMDD Board President and/or Deputy City Administrator

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**INTRODUCTION/BACKGROUND:** The FORMDD, funded by sales tax, is a *separate entity* from the City of Fair Oaks Ranch, ran by a Board and no employees. During one of their fiscal year audits, the auditor recommended a stronger audit trail be established as well as improved performance in investment transactions. As FORMDD has little accounting and investment functions and no office location and, being that city staff is trained in bookkeeping and investment transactions and City Hall could be used, they found the most expedient and cost effective long-term procedure would be to contract with the City. After careful review of staff time, city resources, and office space, in May 17, 2013, the City and the FORMDD entered into an Agreement to provide certain investment and financial services by the City's Finance Officer for \$6000 a year; two year agreement term.

The FORMDD now requests the City Secretary's office perform certain administrative services such as posting of FORMDD meeting agendas, meeting room preparations, and typing of agreements, ordinances, etc.

**POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:**

N/A

**LONGTERM FINANCIAL & BUDGETARY IMPACT:**

None.

**LEGAL ANALYSIS:**

Approved as to Form

**RECOMMENDATION/PROPOSED MOTION:**

In discussions with the City Secretary, at this time, the services could be performed without impeding her City duties. Stipend for her services will be paid out of the \$6000 annual fee.

**FIRST AMENDMENT TO AGREEMENT FOR PROVISION OF PROFESSIONAL SERVICES  
BETWEEN THE CITY OF FAIR OAKS RANCH AND  
THE FAIR OAKS RANCH MUNICIPAL DEVELOPMENT DISTRICT**

This First Amendment ("First Amendment") to the Agreement between the City of Fair Oaks Ranch, Texas and the Fair Oaks Ranch Municipal Development District dated May 17, 2013 is made and entered into as of this 18th day of June, 2015, by and between the City of Fair Oaks Ranch ("City") and the Fair Oaks Ranch Municipal Development District ("FORMDD"):

**WHEREAS**, on May 17, 2013, the City and the FORMDD entered into an Agreement for the City to provide certain investment and financial services to the FORMDD; and,

**WHEREAS**, the FORMDD pays the City a monthly rate for performing certain investment and financial services; and,

**WHEREAS**, the FORMDD requests certain administrative services be included, at no additional charge; and,

**WHEREAS**, the City finds that certain administrative services can be provided.

**NOW, THEREFORE**, in consideration of the foregoing recitals and of the mutual provisions hereinafter contained in this First Amendment, the City and the FORMDD agree to amend section I of the Agreement as follows.

The City agrees to provide certain investment, financial and *administrative services* to the FORMDD according to the terms of this agreement. Direct services the City shall perform for the FORMDD shall include:

- 4. *Meeting room preparations, reviewing and posting of the FORMDD's meeting agenda and agenda packets, and reviewing of the FORMDD's meeting minutes.*
- 5. *Creating official FORMDD documents such as resolutions, ordinances, and contracts*

All other terms and conditions of the Agreement not expressly amended by this First Amendment shall continue in full force and effect.

This First Amendment shall take effect on the first day of the month following approval of contract by the Fair Oaks Ranch City Council.

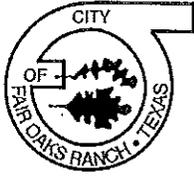
IN WITNESS WHEREOF, the parties have executed this First Amendment in the year and on the day indicated.

FAIR OAKS RANCH MUNICIPAL  
DEVELOPMENT DISTRICT

CITY OF FAIR OAKS RANCH, TEXAS

\_\_\_\_\_  
President

\_\_\_\_\_  
Mayor



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## CITY COUNCIL CONSIDERATION ITEM CITY OF FAIR OAKS RANCH, TEXAS

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**AGENDA TOPIC:** Consideration of approving Ordinance 2015-03; Granting to Grey Forest Utilities a non-exclusive natural gas franchise relating to the distribution and sale of gas in the City through the use of public streets, easements and rights of way.

**START/END DATE:** July 1, 2015

**DEPARTMENT:** Administration

**PRESENTED BY:** Deputy City Administrator Vanzant

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### **INTRODUCTION/BACKGROUND:**

Franchise fees are the rental costs paid by utilities to use a city's rights of way, easements and streets to transmit their services. Franchise fees are based on gross receipts as it more accurately reflects the value of the use rather than based on cost per linear foot or per pole method.

During the construction of Front Gate and the annexation of The Woods of Fair Oaks Ranch the Deputy City Administrator realized Grey Forest Utilities provides natural gas to a portion of the City (see exhibit A). In further review, it was noticed no franchise agreement was on file with the City for the use of said by Grey Forest Utilities as authorized under Section 182.025 and 182.026 of the Texas Tax Code.

Working with the City Attorney's office, a 25-year Franchise Agreement paying the City a franchise fee of 3% of gross receipts in the service area, quarterly was created and submitted to Grey Forest Utilities for approval, which was done May 26, 2015.

### **POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:**

1. Payment of quarterly franchise fees for the use of city streets, easements and rights of way
2. In line with other water, sewer, telephone and cable providers who pay franchise fees

### **LONGTERM FINANCIAL & BUDGETARY IMPACT:**

A 3% revenue on gross sales of natural gas sales/distribution in Front Gate and Woods subdivision and commercial properties along IH 10. Based on current platting, there will be approximately 263 Grey Forest Utilities customers in Fair Oaks Ranch. At this time, Grey Forest Utilities could not provide an estimate of revenue.

### **LEGAL ANALYSIS:**

Legal staff assisted in drafting the agreement and City Attorney Zech approved it as to form

### **RECOMMENDATION/PROPOSED MOTION:**

Recommend approval of Ordinance 2015-03 as the City is missing out on this allowable revenue.



**ORDINANCE NO. 2015-03**

**AN ORDINANCE GRANTING TO GREY FOREST UTILITIES, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE NATURAL GAS FRANCHISE, RELATING TO THE DISTRIBUTION AND SALE OF GAS IN THE CITY THROUGH THE USE OF PUBLIC STREETS, EASEMENTS AND RIGHTS OF WAY; SETTING FORTH TERMS AND CONDITIONS TO GOVERN THE FRANCHISE; PROVIDING A SEVERABILITY CLAUSE, A SAVINGS CLAUSE AND AN EFFECTIVE DATE**

**WHEREAS**, Grey Forest Utilities is a Texas Corporation providing gas services in the Fair Oaks Ranch, Texas area and its businesses and residents; and

**WHEREAS**, pursuant to the authority under the Texas Tax Code, the City of Fair Oaks Ranch, Texas finds that it is to the mutual advantage of both the City and Grey Forest Utilities to enter into a franchise establishing the terms and conditions under which Grey Forest Utilities will operate in the City to the benefit of the City and its Citizens.

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

**Section 1: Grant of Franchise**

1.1 Subject to the terms and conditions of this Ordinance, the right, privilege and franchise is hereby granted to Grey Forest Utilities, its successors and assigns (hereinafter referred to as "Grey Forest"), to establish, equip, install, construct, maintain and operate as now or hereafter constituted, works, systems, plants, lines and all related facilities in the present and future streets, alleys, and public places of the City of Fair Oaks Ranch (hereinafter referred to as the "City"), Texas and its successors, gas lines, with all necessary or desirable appurtenances (including underground conduits, poles, wires, transmission lines and other structures and telephone wires), for the purpose of selling, storing, supplying, conveying, transmitting, distributing and/or transporting natural gas within the limits of the City, the inhabitants thereof, and persons and corporations beyond the limits thereof, for gas and other purposes, including any territory that the City may hereafter acquire, annex or purchase.

**Section 2: Term and Renewal**

2.1 The initial term of this Franchise shall expire twenty-five (25) years from the effective date of this Franchise Ordinance. Grey Forest agrees to provide, no less than one (1) year before the expiration of the initial term, written notice of its intent to renew this Franchise. At the end of the initial twenty-five (25) year term, the term shall be automatically renewed for one additional ten (10) year term, unless:

(a) the Company is in material default under the terms of this Franchise Ordinance and written notice is given to the Company by the City; or

(b) written notice of intent to terminate this Franchise at the expiration of the initial term is given to the City by the Company; or

(c) written notice of intent to renegotiate this Franchise at the expiration of the initial term is given to the Company by the City.

2.2 Written notices by the City or Grey Forest specified in Section 1.1, above, must be provided one (1) year before the expiration of the initial term. The notice shall specify either the desire to renegotiate or the desire to terminate this Franchise, in which event this Franchise shall either be renegotiated or terminated at the end of the initial term. After renegotiation, this Franchise may be extended for an additional twenty-five (25) year term,

which will include twenty-five (25) years from the date of the expiration of the initial term. The party that has been provided notice of its intent to seek to renegotiate the terms of this Franchise may withdraw its request prior to the expiration of the initial term of the Franchise, in which event the Franchise shall be renewed automatically.

### **Section 3: Location of Facilities and Use of Public Ways**

3.1 The construction, maintenance, and operation of Grey Forest's distribution system and property subject to this franchise shall be subject to all ordinances, regulations and permitting passed and approved by City Council, to the extent that such ordinances and regulations are not in conflict with any pre-emptive jurisdiction over the City. Poles, structures and other appurtenances shall be so erected and maintained as not to interfere unreasonably with traffic over streets and alleys, and underground utilities shall conform to City ordinances and codes, including, but not limited to, requirements for placement of utilities underground.

3.2 In refilling of all openings made by Grey Forest, it shall restore the City's public right of way to a condition equal or better than the original condition, and when Grey Forest shall open any ground in the City's rights of way, Grey Forest shall open no more space or keep the space open any longer than is reasonably necessary to properly execute for which such space shall have been opened. The Company shall comply with all applicable ordinances, rules and regulations for the repair of cuts and excavations.

3.2 Grey Forest shall not install any pipe, line or facility within any park or recreational land and shall not install any above ground facility on City property, without specific written permission by the City. Grey Forest may petition the City Council for permission to cross park lands at the sole discretion of the City Council.

3.3 If Grey Forest is required to remove or relocate its mains, laterals or other facilities to accommodate construction of streets or alleys by the City, Grey Forest shall have the right to seek a surcharge to recover relocation costs pursuant to Section 104.112, Texas Utility Code or reimbursement through any other federal, state county or local program. All requests require appropriate documentation submitted to the City.

3.4 Grey Forest shall use reasonable efforts to avoid any permanent or other damage to any street, alley, bridge or other public place or right of way. City and Grey Forest shall exercise reasonable effort that the installation of utilities in public right of ways do not unreasonably interfere with any facilities of Grey Forest, the city or other utility providers.

### **Section 4: Indemnification**

4.1 In the event of injury to any person or damage to any property by reason of Grey Forest's or its agents or contractors in the construction, operation, maintenance, or replacement of Grey Forest's gas distribution system within public rights-of-way, Grey Forest shall indemnify and hold harmless the City from liability in connection therewith. Grey Forest has the sole right to control the defense and settlement of any claim or legal proceeding that gives rise to a right of indemnity under the immediately preceding sentence.

### **Section 5: Beneficiary**

5.1 This franchise is intended for the sole benefit of the City and Grey Forest and shall not be construed to create any right, benefit, or cause of action in any third party.

5.2 In addition to the rates charged for gas service, Grey Forest may make and enforce reasonable charges, rules, and regulations for service rendered in the conduct of its business. The City recognizes and acknowledges that the members of Grey Forest agree to abide by all rules and regulations of Grey Forest as members/customers and nothing in this ordinance should be construed to relieve any member of its obligations to Grey Forest or to abridge

its rights of membership in Grey Forest. Grey Forest agrees to apply its policies, rules, regulations, and tariffs in a fair and uniform manner when providing gas service to its members who reside within the limits of the City.

#### **Section 6: Franchise Fees & Rates**

6.1 As full consideration for the rights and privileges conferred by this Franchise Ordinance and as a charge for the use of streets, alleys and public rights of way, Grey Forest shall collect from its customers and pay to the City a Franchise Fee equal to the sum of the following:

- 1) Three percent of Grey Forest's actual Gross Receipts from gas sales to its gas sales customers located in the City; plus
- 2) Three percent of Grey Forest's actual Gross Receipts from Gas Transportation to its gas transportation customers with re-delivery points in the City.

6.2 From and after the effective date of this agreement, Grey Forest will make quarterly payments to the City for use of City rights of way and file a statement with the City showing its Gross Receipts from gas sales and gas transportation into the City, including the calculation of the franchise Fee for the subject time period.

6.3 It is agreed that the Franchise Fee payments shall be in lieu of any payments for the rights to use the public rights of way in the City including the charge permitted by Texas Tax code Chapter 182 et. seq.

#### **Section 7: Non-Exclusive**

7.1 This franchise is not exclusive, and nothing herein shall be construed so as to prevent the City, from granting other like or similar rights and privileges to any other person, firm or corporation consistent with applicable state law.

#### **Section 8. Dispute Resolution**

8.1 Resolution of any dispute arising under this Franchise Ordinance between the City and Grey Forest shall first be attempted via mediation. The dispute shall be submitted to mediation upon written demand by either party. The mediation shall take place in Bexar County, Texas. The mediator shall be selected by agreement between the City and Grey Forest within twenty (20) calendar days from the date the demand for mediation is received by the other party. If the City and Grey Forest cannot agree on a mediator, it shall be done via chance drawing with each submitting a name. Mediation of any dispute shall be a condition precedent to filing a lawsuit, except that nothing herein shall preclude a party from seeking a mandatory or prohibitive injunction or equitable relief from any Court of competent jurisdiction to maintain the status quo pending mediation of any dispute.

#### **Section 9: Acceptance**

9.1 Grey Forest shall file its written acceptance of this franchise to the City within sixty (60) days after its passage and approval by City Council.

9.2 Grey Forest acceptance of the franchise agreement under City of Fair Oaks Ranch Ordinance 2015-03 is reflected in Exhibit A as attached.

#### **Section 10: Conflicting Ordinances & Severability**

10.1 To the extent that any part or all of any other existing ordinance shall conflict with any provision of this Franchise Ordinance shall prevail upon passage, adoption and acceptance of this Ordinance. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such

unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

PASSED, APPROVED and EFFECTIVE this 18th day of June, 2015.

\_\_\_\_\_  
Cheryl Landman, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Priscilla Abrego, City Secretary

\_\_\_\_\_  
Charles Zech, City Attorney

EXHIBIT A

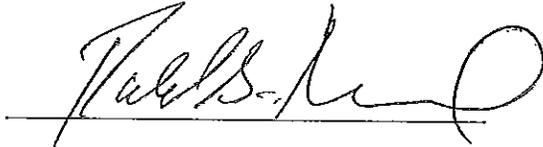
GREY FOREST ACCEPTANCE OF FRANCHISE AGREEMENT WITH THE CITY OF FAIR OAKS RANCH

ORDINANCE NO. 211

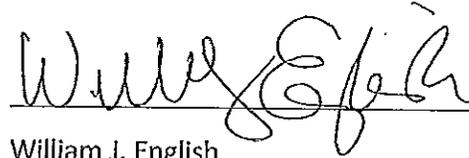
City of Fair Oaks Ranch Ordinance 2015-03

Date: 05/26/2015

Date: 05/26/2015

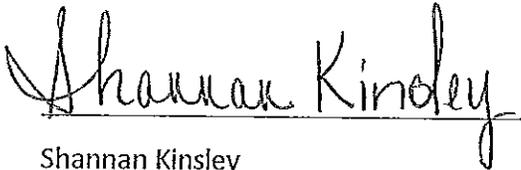


Ronald G. Reinhard  
City of Grey Forest, Mayor



William J. English  
Grey Forest Utilities, General Manager

ATTEST:



Shannan Kinsley  
City of Grey Forest, City Secretary



# WORK PLAN STATUS REPORT

June 18, 2015

## HUMAN RESOURCE INITIATIVES

- **Recruitment and Selection:**  
**Human Resource Specialist** The City has completed the recruitment process and hired Kim Stahr into the position.  
**Police Officers (4)** The City has conducted interviews and is currently performing background investigations on select applicants.
- **Classification & Pay Plan / Employee Evaluation Process** Werling Associates has completed the Classification and Pay Study. Staff is reviewing the consultant's findings and recommendations and will report to Council at the June 25 work session.
- **Personnel Manual** (Alamo HR Services has completed its final draft for Staff review and presentation to City Council at a work session in August.)

## USE OF TECHNOLOGY AND COMMUNICATIONS

- **IT Support** Fully implemented.
- **Upgrade Audio/Visual Capabilities of City Council Chambers**  
Improve ability to have better visual presentations in the City Council Chambers for council members and the public. Additional acoustical panels have been installed. Additional audio visual enhancements will be considered during the FY2015-16 Budget process.
- **Enhance Website** Assessment and modification of the City's website is underway and improvements will continue throughout the remainder of the fiscal year.

## FINANCIAL MANAGEMENT INITIATIVES

- **Bond Issue** Bond sale is complete and the funds have been deposited in the City's account at Texpool. The City has entered into a contract for the engineering of the street improvements with Pape Dawson.
- **Separate Operating and Capital Funds**  
A Capital Fund totaling \$2.4 million for construction of the Public Safety Building (\$2.2 million) and the Battle Intense Sidewalk (\$200,000) has been established. Separate funds will also be established for management of debt service contributions and expenditures in administering the street bond funds approved in the November 2014 Bond Election. Appropriation of separate operating/maintenance budgets and capital budgets for both General Operations and Utilities will be considered by City Council during the budget process.
- **Multi-Year Capital Improvement Program (CIP)** Identification of projects is underway. Forms and instructions to identify projects have been distributed to Departments. The CIP will be part of the City's annual budget process for consideration of Council in August and September.

## DEVELOPMENT AND GOVERNANCE ISSUES

- **Strategic Planning Process** The Strategic Planning process has been deferred for discussion and Council direction during the Budget Summit June 25.
- **General Law vs. Home Rule Governance** A Council work session was conducted on June 3. Staff will seek additional Council at direction at the June 25 Budget Summit and work session.
- **Revisions to City's Subdivision Regulations** A Council work session was conducted June 3.
- **Expand Water and Sewer Service into the City's Remaining ETJ** No change. Pending Public Utility Commission [PUC] action. Staff and the City's environmental attorney will meet with PUC June 15.
- **Inter-Local Development Agreements** Staff is reviewing options proposed from both Bexar and Kendall Counties for the processing of plats in the ETJ.
- **Agreements for Fire Code Enforcement** Pending completion of a letter agreement. Staff has reached an informal agreement with the Bexar County Fire Marshall to conduct fire inspections and provide other enforcement services on an as needed basis. A letter agreement will be prepared to formalize the informal agreement.

## ORGANIZATIONAL STRUCTURE AND MANAGEMENT

- **Office of the City Administrator / City Manager (Pending)**  
Develop draft ordinance creating and delineating the powers, duties and other particularities of the Office of the City Administrator prior to recruiting a permanent replacement. Staff anticipates presenting a draft ordinance to Council for discussion at the July 2 Council work session.

## OTHER PROJECTS

- **Public Safety Building** Bids were received May 6. MJ Boyle Construction was the lowest and best bidder at \$2,084,000. Issues regarding electric service and drainage of the property have arisen Council which must be addressed prior to award of the bid now scheduled for Council consideration on June 25 at the work session. Ralph Wiesepape, the Project Manager, will present a detailed progress report at the June Regular Council Meeting Thursday.
- **Oak Wilt Survey** Staff is developing a draft ordinance for consideration by Council to better address controlling the spread of oak wilt.
- **TCEQ Water System Regulatory Requirements:** Staff through our environmental attorney continues to work to resolve issues raised by the agency regarding "as built plans and record drawings". The Attorney has requested an exception to the requirements on behalf of the City citing a provision of the code which allows the Executive Director of TCEQ to grant an exception provided "that the exception will not compromise the public health or result in a degradation of service or water quality". TCEQ has rejected the attorney's request. Staff continues to work with our attorney and a statewide stakeholders group to resolve the conflict.
- **Extension of Solid Waste Contract.** Council extended the contract with Republic Services through September 2016 to include services to The Woods of Fair Oaks which was recently annexed. City staff has negotiated a one year extension of the solid waste collection contract with Republic Services. The City of Fair Oaks Ranch contract is due to expire at the end of September.

## CITY COUNCIL SUMMER PLANNING CALENDER (June 2015)

- Jun 25 City Council Budget Summit held to discuss preliminary revenue estimates and expenditures for the FY2015-16 Budget including future impacts in accordance with representations made to Standard and Poor during bond rating conference call.
- Jul 2 At regular City Council meeting, for discussion purposes only, Interim City Administrator submits recommended ordinance delineating the duties and responsibilities of the City Administrator utilizing the Council's input from the Governance and Development work session and, Alderman Hartpence presents draft revisions to the City Council Meeting Rules and Procedures
- Jul 16 City Council adopts ordinance defining the City Administrator position and defines the recruitment and selection process for posting by end of July.
- Jul 20 City Administrator receives direction from the Mayor regarding the assumptions for development of the FY2015/16 proposed budget.
- Jul 27 City receives final tax rolls from the three County Appraisal Districts.
- Aug 14 Mayor submits a proposed budget to City Council thirty days prior to adoption; files with City Secretary.
- Aug 17 week of* City Council Budget Work Session held to review/discuss Mayor's proposed budget.
- Aug 24 week of* City Council Budget Work Session held to deliberate General Fund proposed budget.
- Aug 31 week of* City Council Budget Work Session held to deliberate Utility Fund proposed budget.
- Sep 8 week of* City Council Budget Work Session held to deliberate Capital Improvement Program, proposed FY2015-16 Annual Capital Budget and Debt Service Budget. City Council Public Hearing held on the Budget and Tax Rate.
- Sep 17 City Council holds second public hearing, if needed, and adopts the FY2015-16 Budget and tax rate at the regular September City Council meeting.
- Sep 30 Recruitment for City Administrator position closes. Review of applications begins.

**Glenn Hegar**

Texas Comptroller of Public Accounts

May 8, 2015

The Honorable Cheryl Landman  
Mayor  
City of Fair Oaks Ranch  
7286 Dietz Elkhorn Road  
Fair Oaks Ranch, Texas 78015-4707

Dear Mayor Landman:

I am pleased to inform you that the city of Fair Oaks Ranch has earned a 2015 Platinum Leadership Circle Award. Your application scored 22 points of 23 possible on our ratings criteria to earn this award.

Your listing on our "Texas Transparency" website now displays the Platinum seal to indicate that you have received this award. Enclosed is your copy of a Leadership Circle Award Certificate. You will also receive a digital seal that you may post on your website.

Congratulations on your success in moving forward on financial transparency and joining our Leadership Circle.

Sincerely,



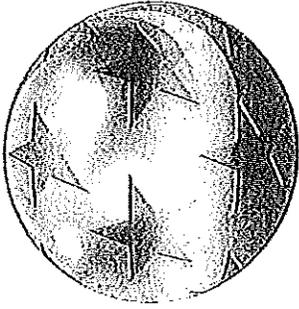
Glenn Hegar

Enclosure



Comptroller, Texas.Gov  
P.O. Box 13528  
Austin, Texas 78711-3528

512-463-4000  
Toll Free: 1-800-531-5441 ext: 34000  
Fax: 512-305-9711



# Texas Comptroller Leadership Circle Platinum Member

awarded to

## City of Fair Oaks Ranch

For continued progress toward achieving financial transparency. The Texas Comptroller's Leadership Circle program recognizes local governments across Texas that are striving to meet a high standard for financial transparency online. Your efforts to provide citizens with clear, consistent pictures of spending and share information in a user-friendly format have paved the way for achieving greater financial transparency.

May 8, 2015

A handwritten signature in black ink, appearing to read "D. Z. [unclear]", written over a horizontal line.