



CITY OF FAIR OAKS RANCH
AGENDA - CITY COUNCIL REGULAR MEETING
December 3, 2015; 9:30 a.m.
Fair Oaks Ranch City Hall, 7286 Dietz Elkhorn

I. ROLL CALL - DECLARATION OF A QUORUM

II. OPEN MEETING

Pledge of Allegiance.

III. CITIZENS and GUEST FORUM

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

B. Presentation regarding the City's transportation planning and funding relationship with the Alamo Area Metropolitan Planning Organization and the Texas Department of Transportation by Jonathan Bean (TxDOT), Kevin Wolff (Bexar County Commissioner) and Isidro "Sid" Martinez (Alamo Area Metropolitan Planning Organization). - Mayor

IV. CONSIDERATION/DISCUSSION ITEMS

A. Approval of Ordinance amending the Code of Ordinances, Appendix A - Fee Schedule, Article A9.000(F) Water Rates; providing for a severability clause; and an Effective Date. P1-P2
- Interim City Administrator

B. Approval of amending the General Fund and Debit Service Fund FY2015-16 budgets. P3-P6
- Deputy City Administrator

C. Approval of amending the General Fund FY2015/16 budget by transferring \$20,000 from Contingency to Professional Services for the City Administrator recruitment services expenditure. P7-P8
- Deputy City Administrator

D. Discussion of draft document used for structuring deliberations and decision making on deer management options. - Alderwoman Havard & Alderman Manitzas P9

E. Approval of Council's desire to proceed with changing the City's form of government from General Law Type A to Home Rule. - Mayor

F. Discussion of outreach and engagement of community regarding Home Rule governance and process of appointing a Home Rule Commission. - Mayor & City Attorney

REPORTS FROM STAFF / COMMITTEES / COUNCIL

1) Project Manager - Update on the Public Safety Facility.

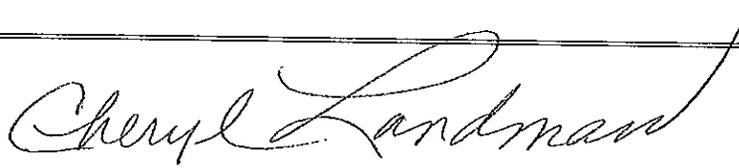
2) Public Works - Update on Battle Intense Sidewalk Project.

3) City Administrator - Report on the status of the development of land use plan, zoning and development regulations.

4) Council – Requests from City Council members to place items on a future agenda.

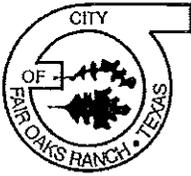
G. ADJOURNMENT

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.fairoaksranchtx.org, both places being convenient and readily accessible to the general public at all times. Said Notice was posted by 5:00 p.m., November 25, 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).



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS

AGENDA TOPIC: Approval of Ordinance amending the Code of Ordinances, Appendix A – Fee Schedule, Article A9.000(f) Water Rates; Providing for a severability clause; and an effective date.

START/END DATE: December 3, 2015

DEPARTMENT: Administration

PRESENTED BY: Interim City Administrator

INTRODUCTION/BACKGROUND:

The Fair Oaks Ranch Utilities, which is owned and operated by the City of Fair Oaks Ranch evaluates the water systems rates on an annual basis. The rate update must be considered by City Council no later than every August to ensure that the new rate notification is placed in customer bills prior to any change for the fiscal year starting October 1st.

On October 1, 2015, under Ordinance 2015-05, Council approved new commercial water rates to be effective on November 1, 2015. It has been found, that that further evaluation of the commercial water rates is needed and determines the adopted commercial water rates under Ordinance 2015-05 are to be decreased until the evaluation has been completed and as such, deems it necessary to amend the city's Code of Ordinances; Appendix A9.000(f)(2)(B). During this time the rates are as follows:

Tiered Volumes (gallons)	FY 2014-2015	FY 2015-2016
0 to 6,000	Base Rate	Base Rate
6,001 to 50,000	\$ 3.03	\$ 3.19
50,001 to 100,000	\$ 3.79	\$ 3.98
100,001 to 150,000	\$ 4.74	\$ 4.98
Over 150,000	\$ 5.93	\$ 6.22

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

The City of Fair Oaks Ranch implemented a program in 2011 to always provide sufficient funding for operation, maintenance and improvements. This annual evaluation is in line with that business model. All commercial accounts shall receive a credit adjustment if appropriate for their October 2015 usage to reflect these new rates.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

The City of Fair Oaks Ranch implemented a program in 2011 to always provide sufficient funding to operate the water utility. This annual evaluation is in line with that business model.

LEGAL ANALYSIS:

Approved to Form by the City Attorney.

RECOMMENDATION/PROPOSED MOTION:

I move to approve the Ordinance amending the Code of Ordinances, Appendix A – Fee Schedule, Article A9.000(f) Water Rates; Providing for a severability clause; and an effective date.

ORDINANCE 2015-xx

OF THE CITY OF FAIR OAKS RANCH, AMENDING THE CODE OF ORDINANCES, APPENDIX A – FEE SCHEDULE, ARTICLE A9.000(f) WATER RATES; PROVIDING FOR A SEVERABILITY CLAUSE; AND AN EFFECTIVE DATE

WHEREAS, Appendix A – Fee Schedule; Article A9.000 of the city’s Code of Ordinances provides for water service charges to cover costs associated with water services provided by Fair Oaks Ranch Utilities; and,

WHEREAS, the Fair Oaks Ranch City Council under Ordinance 2015-05 approved new commercial water service charges to be effective November 1, 2015; and,

WHEREAS, the Fair Oaks Ranch City Council finds that further evaluation of the commercial water rates is needed; and

WHEREAS, the Fair Oaks Ranch City Council determines the adopted commercial water rates under Ordinance 2015-05 are to be decreased until the evaluation has been completed and as such, deems it necessary to amend the city’s Code of Ordinances; Appendix A9.000(f)(2)(B).

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

SECTION I. AMENDMENT

A. Effective December 3, 2015, the Code of Ordinances, Appendix A - Fee Schedule; Article A9.000(f)(2)(B), Water rates- Commercial, is amended as follows and all conflicting provisions of the Code are repealed or replaced:

(B) Commercial:

<u>Gallons</u>	<u>Cost per 1,000 gallons</u>
0 to 6,000	Base Service Charge
6,001 to 50,000	\$ 3.19
50,001 to 100,000	\$ 3.98
100,001 to 150,000	\$ 4.98
Over 150,000	\$ 6.22

B. All Commercial accounts shall receive a credit adjustment if appropriate for their October 2015 usage to reflect these new rates.

SECTION II. SEVERABILITY AND EFFECTIVE DATE

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, work or provision of this Ordinance, for it is the definite intent of this City Council that every section, paragraph, subsection, clause, phrase, work, or provision hereof be given full force and effect for its purpose.

This Ordinance shall take effect December 3, 2015.

PASSED, APPROVED AND ADOPTED this the 3rd day of December, 2015.

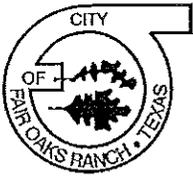
Cheryl Landman, Mayor

Attest:

Approved To Form:

P. Abrego, City Secretary

Charles E. Zech, City Attorney



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS

AGENDA TOPIC: Approval of amending the General Fund and Debt Service Fund FY2015/16 budgets
START/END DATE: Upon approval
DEPARTMENT: Administration
PRESENTED BY: Deputy City Administrator

INTRODUCTION/BACKGROUND:

City Council approved a memorandum of agreement with City of San Antonio to release the Woods of Fair Oaks Ranch from their ETJ. At that time, the City of Fair Oaks Ranch extended its ETJ to include the newly released subdivision. The agreement stated the City shall annex within one year of receiving an Affidavit for Annexation by The Woods of Fair Oaks Ranch. Annexation affidavit was accepted at the December 18, 2014 City Council meeting. Within the inclusion of over 140 populated properties into the City, city staff needed time to prepare maps, notification of building permit procedures, notification of pet tags, education on city ordinances, etc. As such staff requested the annexation be effective April 2015 as Bexar County Appraisal District had confirmed ad valorem property taxes would be included in the FY2015/16 budget as long as the annexation is approved by June 30, 2015.

In May 2015, upon receipt of the preliminary 2015 property tax roll, the Deputy City Administrator noticed an increase of annexed properties on the Bexar County tax roll and confirmed with the Bexar County Deputy Tax Appraiser that the increase included the Woods of Fair Oaks Ranch.

In October 2015, the city received numerous telephone calls from the Woods property owners disputing the inclusion of their property on the 2015 tax statements. Upon calling the Deputy Tax Appraiser for assistance with the complaints, it was found that the inclusion was an error. Bexar Appraisal had misread the city's annexation ordinance and, had assumed the Woods had been disannexed from City of San Antonio (a taxing unit of like kind). Being that the Woods was released from the ETJ (county property), the Texas Tax Code does not allow taxation of the properties in the same year as annexation as we are not a "taxing unit of like kind". Taxing unit of like kind is defined as taxing units that are authorized by the laws by or pursuant to which they are created to perform essentially the same service.

The property value loss is \$68,412,586.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

Loss of \$210,232 property tax revenue in FY2015/16.

LEGAL ANALYSIS:

Several reviews and discussions held with the State Comptroller and City Attorney - exclusion of the Woods properties is warranted. The loss of revenue can come from decreasing budgeted expenses in the General Fund but not in the Debt Service Fund (bond payment is set), restart the budget process creating a new tax rate, public hearings, new tax statements, etc., or transfer funds from the Fund Balance.

Ordinance Approved as to Form.

RECOMMENDATION/PROPOSED MOTION:

Staff recommends transfer of funds from Fund Balance. As such, motion to approve Ordinance amending the FY2015/16 General Fund and Debt Service Fund budget

ORDINANCE 2015-XX
AMENDING THE GENERAL FUND AND DEBT SERVICE FUND BUDGETS OF THE CITY OF FAIR OAKS RANCH, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015 AND ENDING SEPTEMBER 30, 2016

WHEREAS, the General Fund and the Debt Service Fund budgets for the City of Fair Oaks Ranch, Texas for FY2015-2016 has heretofore been approved as provided by law and filed with the City Secretary under Ordinance 2015-07; and,

WHEREAS, on November 14, 2015, the City received a 2015 property tax supplement roll from Bexar County Appraisal District showing a property value loss of \$68,412,586; and,

WHEREAS, said loss was due to an the incorrect inclusion of the Woods of Fair Oaks Ranch subdivision, annexed April 1, 2015, on the July 2015 Bexar County Appraisal District certified property tax roll; and,

WHEREAS, the total loss of revenue is \$210,232; and,

WHEREAS, budgets should appropriately account for all anticipated revenues; and,

WHEREAS, pursuant to Texas LGC §102.010, budget amendments shall be passed and approved by City Council and, as such, the City Council finds funds, if needed, to cover the loss of revenue can come from the General Fund Fund Balance.

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

1. That the City Secretary is hereby directed to file this ordinance as an Amendment to the original FY2015/16 General Fund budget.
2. That the Finance Officer is hereby directed to amend the original General Fund and Debt Service Fund budgets as follows:
 - A. Decrease the General Fund revenue line item "General Property" (400-110) by \$178,899
 - B. Decrease the Debt Service Fund revenue line item "Property Taxes - I & S" (400-110) by \$31,333
 - C. Funds, if not absorbed in the adopted budgets, shall come from the General Fund "Fund Balance" (01-3000).

PASSED AND APPROVED this 3rd day of December, 2015.

Mayor Cheryl Landman

Attest:

Approved as to Form:

City Secretary P. Abrego

City Attorney Charles Zech

SUBTOTAL FOR 2015

45 - FAIR OAKS RANCH

	Additions (3)		
	Current	Previous	Gain/Loss
Assessed	22,390	0	22,390
Exemptions	0	0	0
Taxable	22,390	0	22,390
Tax Amount	0.00	0.00	0.00

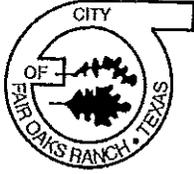
	Modifications (1,727)		
	Current	Previous	Gain/Loss
Assessed	613,397,851	685,539,217	-72,141,366
Exemptions	33,764,755	37,471,145	-3,706,390
Taxable	579,633,096	648,068,072	-68,434,976
Tax Amount	0.00	0.00	0.00

	Deletions (0)		
	Current	Previous	Gain/Loss
Assessed	0	0	0
Exemptions	0	0	0
Taxable	0	0	0
Tax Amount	0.00	0.00	0.00

	Totals (1,730)		
	Current	Previous	Gain/Loss
Assessed	613,420,241	685,539,217	-72,118,976
Exemptions	33,764,755	37,471,145	-3,706,390
Taxable	579,655,486	648,068,072	-68,412,586
Tax Amount	0.00	0.00	0.00

M Fund - 178,899
 Q Fund - 31,333
210,232

.2615 net
 .0458 Adet
.3073 x loss ÷ 100 =
 \$210,232



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS

AGENDA TOPIC: Approval of amending the General Fund FY2015/16 budget by transferring \$20,000 from Contingency to Professional Services for the City Administrator recruitment services expenditure

START/END DATE: November 17, 2015

DEPARTMENT: Administration

PRESENTED BY: Deputy City Administrator

INTRODUCTION/BACKGROUND:

On November 12, 2015 the City Council authorized the City Administrator to enter into an Agreement with Chris Hartung Consulting to perform the recruitment and selection service for the City Administrator position. The funds for said service are budgeted in the Contingency line item under the Culture/Recreation/Other department and should now be reflected in the Professional Services line item under the Administration department.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

1. Accurate recording of expenditure
- 2.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

No impact as it was budgeted

LEGAL ANALYSIS:

Approved as to Form

RECOMMENDATION/PROPOSED MOTION:

Approval of Ordinance amending the FY2015/16 General Fund budget

ORDINANCE 2015-XX
AMENDING THE GENERAL FUND BUDGET OF THE CITY OF FAIR OAKS RANCH,
TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015 AND ENDING
SEPTEMBER 30, 2016

WHEREAS, the General Fund budget for the City of Fair Oaks Ranch, Texas for FY2015- 2016 has heretofore been approved as provided by law and filed with the City Secretary under Ordinance 2015-07; and,

WHEREAS, pursuant to Texas LGC §102.010, budget amendments shall be passed and approved by City Council and pursuant to the City's Financial Policy budget amendments among departments shall be approved by the City Council; and,

WHEREAS, at a special City Council meeting on November 12, 2015, the Council authorized an agreement with Chris Hartung Consulting for city administrator recruitment services in an amount of \$20,000; and,

WHEREAS, the funds are budgeted in the General Fund Culture/Recreation/Other Department under the Contingency line item; and,

WHEREAS, the funds, to be appropriately accounted for, should be transferred to the General Fund Administration Department under the Professional Services line item; and,

WHEREAS, the City Council finds the transfer of budgeted funds is warranted.

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

1. That the City Secretary is hereby directed to file this ordinance as an Amendment to the original FY2015/16 General Fund budget.
2. That the Finance Officer is hereby directed to amend the original General Fund budget by transferring \$20,000 from line item "Contingency" (507-390) to line item "Professional Services" (501-502) for the expenditure of recruitment services.

PASSED AND APPROVED this 3rd day of December, 2015.

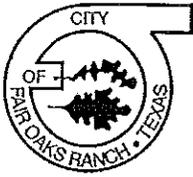
Mayor Cheryl Landman

Attest:

Approved as to Form:

City Secretary P. Abrego

City Attorney Charles Zech



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS

AGENDA TOPIC: Discussion and editing of document outlining possible deer management options to be used in structuring a decision-making deliberation at the January 21, 2016 regular council meeting.

START/END DATE: December 3, 2015

DEPARTMENT: Administration

PRESENTED BY: Alderwoman Havard and Alderman Manitzas

INTRODUCTION/BACKGROUND:

This document is intended to outline the range of possible choices regarding white tailed deer management for a deliberation and decision making session in the regular January 21, 2016 council meeting. The December 3, 2015 meeting will be discussion and editing the working document only.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

1. Structures discussion by presenting an agreed upon range of choices.
2. Helps guide a discussion of an emotional community topic in a productive manner.
3. Leads to a conclusive decision making session on January 21, 2016.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

1. Unknown at this point.

LEGAL ANALYSIS:

1. None required.

RECOMMENDATION/PROPOSED MOTION:

1. No motion required. Discussion and working session only.