CITY OF FAIR OAKS RANCH
AGENDA – CITY COUNCIL REGULAR MEETING
July 21, 2016; 7:00 p.m.
Fair Oaks Ranch City Hall, 7286 Dietz Elkhorn

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

II. **OPEN MEETING**
Pledge of Allegiance.

III. **PUBLIC HEARING**
A. Public Hearing on the SF Fair Oaks Development, LLC's annexation petition of 145.4 acres, Bexar and Comal County and hearing the arguments for and against the annexation.

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
B. Presentation by Stephen Jeffus, RJN Group, discussing the sewer collection system flow monitoring proposal to pinpoint areas of inflow and infiltration.
C. Presentation by Steve Werling, Werling and Associates, discussing the employee compensation plan.

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 June 2, 2016, June 16, 2016, and July 7, 2016 Regular City Council Meeting Minutes.
B. Approval of June 21, 2016, June 30, 2016, and July 14, 2016 Special City Council Meeting Minutes.

VI. **CONSIDERATION/DISCUSSION ITEMS**
A. Consider of granting or refusing the SF Fair Oaks Development, LLC annexation petition of 145.4 acres of land into the City of Fair Oaks Ranch, Bexar and Comal Counties.
- Mayor
B. Consider of approving an Ordinance annexing 145.4 acres of land into the City of Fair Oaks Ranch, Bexar and Comal Counties. **- Mayor**

VII. **REPORTS FROM STAFF / COMMITTEES / COUNCIL**
1) Public Works Director – Update on the street bond project.

2) City Administrator – Change in procedure of Animal Carcass removal and "Five Acres" staging area update.
3) Council – Requests for City topic needing additional information/research; or, potential consideration for a future agenda.

VIII. 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., July 15, 2016 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 AGENDA ITEM

CITY OF FAIR OAKS RANCH, TEXAS

TITLE:	Hearing of the SF Fair Oaks Development, LLC's annexation petition of 145.4 acres, Bexar and Comal County and hearing the arguments for and against the annexation
DEPARTMENT:	City Council
PRESENTED BY:	Mayor

INTRODUCTION:

Petition received in City Secretary's office on June 22, 2016. Development Agreement detailing intent of land use (residential) and provides for receipt of Annexation Petition was approved by City Council February 2016.

BACKGROUND:

LGC Sec. 43.028. AUTHORITY OF MUNICIPALITIES TO ANNEX SPARSELY OCCUPIED AREA ON PETITION OF AREA LANDOWNERS. This section applies only to the annexation of an area:

(1) **that is one-half mile or less in width;**
(2) **that is contiguous to the annexing municipality;** and
(3) **that is vacant and without residents or on which fewer than three qualified voters reside.**

(b) The owners of the area may petition the governing body of the municipality in writing to annex the area.

(c) The *petition must describe the area by metes and bounds and must be acknowledged in the manner required for deeds by each person having an interest in the area.*

(d) *After the 5th day but on or before the 30th day after the date the petition is filed, the governing body* ***shall hear the petition and the arguments for and against the annexation.***

BENEFIT(S) TO CITIZENS:

1. Allows the public to hear the Petition and provide arguments for or against the annexation.

FINANCIAL IMPACT:

At buildout, based on a $355,000 home value x 91 homes at .2615 tax rate/100, the estimated M&O property tax revenue is approximately $85,000. As new properties are built, the I&S tax for the Street Bond would also be shared by them.

RECOMMENDATION:

LGC 43.028 further states:

(d) the governing body shall grant or refuse the petition as the governing body considers appropriate

(e) If the governing body grants the petition, the governing body *by ordinance* ***may annex*** *the area at a later time.* On the effective date of the ordinance, the area becomes a part of the municipality and the inhabitants of the area are entitled to the rights and privileges of other citizens of the municipality and are bound by the acts and ordinances adopted by the municipality.

PETITION FOR ANNEXATION
OF LAND INTO THE CITY OF FAIR OAKS RANCH

TO THE HONORABLE CITY COUNCIL, CITY OF FAIR OAKS RANCH, TEXAS:

That we, **SF Fair Oaks Development, LLC**, owner of the land described below by metes and bounds and being contiguous and adjacent land and territory to the present corporate limits of the City of Fair Oaks Ranch, Texas, hereby request annexation of the described land into the City of Fair Oaks Ranch. We understand that the request does not necessarily mean that the land will be annexed, but that the City will consider the request based upon requests received from other land owners and an evaluation of services to be provided.

Name: SF Fair Oaks Development, LLC

Address: 8200 North Mopac, Suite 300
Austin, Texas 78759

LEGAL DESCRIPTION, PLAT AND METES AND BOUNDS:

A 145.4 acre tract of land out of the Maria De La Luz Guerra Survey No. 172, Abstract 257 and 173, partially in Bexar County and Comal County, Texas, and being the remaining portion of a 154.12 acre tract of land conveyed to David A. Owens, described by Exhibit B, in a Partition Deed of record in Volume 9675, Page 2082 of the Official Public Records of Bexar County, Texas, and Document No. 200206038282 of the Official Public Records of Comal County, Texas, and being more particularly described by metes and bounds on Exhibit "A" attached hereto, along with a Concept Plan covering the property, which plan is attached hereto as Exhibit "B".

Wherefore, petitioners respectfully request that the hereinabove described land be forthwith incorporated into and become a part of the territory of the municipal corporation of the City of Fair Oaks Ranch, Bexar County, Texas.

Respectfully submitted,

SF Fair Oaks Development, LLC

By: _____
Name: Y. A. ELDEF
Title: V. Pres.

05-20-16P02:48 RCVD

STATE OF TEXAS
COUNTY OF BEXAR

BEFORE ME, the undersigned authority, on this day personally appeared C.A. Elder, who having knowledge of the facts contained herein acknowledge to me that he executed the same for the purposes and consideration therein expressed, on this 22nd day of June, 2016.

Billie Juarez
Notary Public

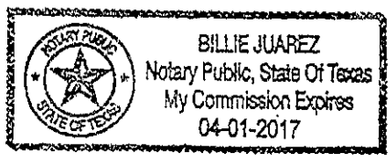


EXHIBIT A
DESCRIPTION OF PROPERTY

KFW SURVEYING

FIELD NOTES
FOR
A 145.4 ACRE TRACT

A 145.4 acre tract of land, out of the Maria De La Luz Guerra Survey No. 172, Abstract 257 and 173, partially in Bexar County and Comal County, Texas and being the remaining portion of a 154.12 acre tract of land conveyed to David A. Owens, described by Exhibit B, in a Partition Deed of record in Volume 9675 Page 2082 of the Official Public Records of Bexar County, Texas and Document No. 200206038282 of the Official Public Records of Comal County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a found ½" iron rod with a red plastic cap stamped "CUDE" in the east right-of-way line of F.M. 3351, a 100' wide right-of-way also known as Ralph Fair Road, for the southwest corner of a 19.214 acre tract of land described in Volume 16848 Page 0003 and Page 0006 of the Official Public Records of Bexar County, Texas, for the northwest corner of the Owens 154.12 acre tract and the tract described herein, from which a found Texas Department of Transportation Type I right-of-way monument in the east right-of-way line of Ralph Fair Road and the west line of the 19.214 acre tract bears, N 00° 29' 02" W, a distance of 476.57 feet;

THENCE: N 89° 34' 37" E, departing the east right-of-way line and along and with the common line between the 19.214 acre tract and the Owens 154.12 acre tract, a distance of 1241.86 feet to a point for a southwest exterior corner of a 154.12 acre tract of land conveyed to Bradley M. Kohls and Cheryl Ann Clemons, described by Exhibit C, in said Partition Deed, a north exterior corner of the Owens 154.12 acre tract, and the tract described herein, from which a found ½" iron rod with a red plastic cap stamped "CUDE" (bent) bears, S 70° 16' 27" E, a distance of 0.20 feet;

THENCE: Along and with the common line between the Owens 154.12 acre tract and the Kohls 154.12 acre tract, the following four (4) courses:

1. S 70° 16' 27" E, a distance of 460.19 feet to a set PK nail with washer stamped "KFW SURVEYING" for an interior corner of the tract described herein,
2. S 89° 40' 41" E, a distance of 569.78 feet to a found ½" iron rod with a red plastic cap stamped "CUDE" for an interior corner of the tract described herein,
3. N 00° 28' 12" W, a distance of 846.89 feet to a set PK nail with washer stamped "KFW SURVEYING" for a north exterior corner of the tract described herein, and
4. N 89° 31' 48" E, a distance of 1442.24 feet to a found ½" iron rod with a red plastic cap (unreadable) for the northeast corner of the tract described herein;

THENCE: S 00° 10' 23" W, along and with the east line of the Owens 154.12 acre tract, a distance of 1908.41 feet to a found ½" iron rod with a plastic cap (unreadable) for the northeast corner of a 159.74 acre tract of land conveyed to the Corley Family L.L.C., described by Exhibit A in said Partition Deed, the southeast corner of the Owens 154.12 acre tract and the tract described herein;

THENCE: Along and with the common line between the Corley 159.74 acre tract and the Owens 154.12 acre tract, the following nine (9) courses:

1. S 45° 27' 28" W, a distance of 398.81 feet to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an exterior corner of the tract described herein,
2. S 70° 22' 00" W, a distance of 365.51 feet to a point for an exterior corner of the tract described herein, from which a found ½" iron rod with a red plastic cap stamped "CUDE" (bent) bears, N 74° 23; 10" E, a distance of 0.64 feet,
3. N 88° 07' 59" W, a distance of 258.24 feet to a found ½" iron rod with a plastic cap (unreadable) for an exterior corner of the tract described herein,
4. N 75° 21' 33" W, a distance of 395.09 feet to a found ½" iron rod with a red plastic cap stamped "CUDE" for an exterior corner of the tract described herein,
5. N 64° 05' 39" W, a distance of 409.65 feet to a found ½" iron rod for an exterior corner of the tract described herein,
6. N 44° 45' 49" W, a distance of 441.52 feet to a found ½" iron rod with a red plastic cap stamped "CUDE" for an interior corner of the tract described herein,
7. S 67° 21' 29" W, a distance of 189.78 feet to a found ½" iron rod with a red plastic cap stamped "CUDE" for an interior corner of the tract described herein,
8. S 51° 01' 46" W, a distance of 557.40 feet to a found ½" iron rod with a red plastic cap stamped "CUDE" for an interior corner of the tract described herein, and
9. S 02° 59' 24" W, a distance of 345.30 feet to a red plastic cap stamped "MATKIN HOOVER" for the northeast corner of an 8.750 acre tract of land conveyed to Stemen & Co., L.L.C., of record in Volume 14036 Page 405 of the Official Public Records of Bexar County, Texas and a southeast exterior corner of the tract described herein, from which a found ½" iron rod with a red plastic cap stamped "CUDE" for a southeast exterior corner of the Owens 154.12 acre tract and an interior corner of the Corley 159.74 acre tract bears, S 02° 59' 24" W, a distance of 331.85 feet;

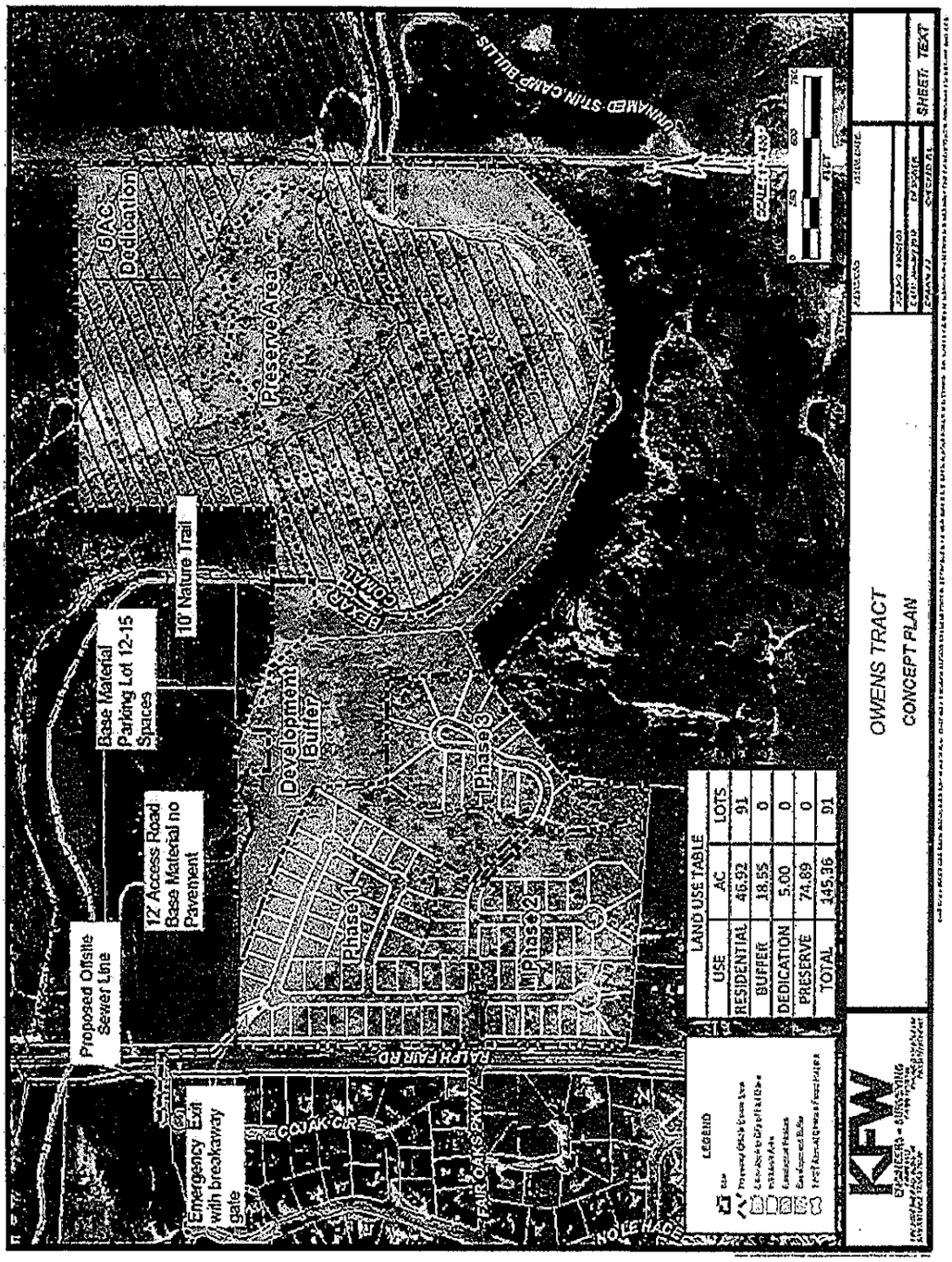
THENCE: N 85° 26' 51" W, along and with the north line of the 8.750 acre tract, a distance of 1098.71 feet to a found ½" iron rod in the east right-of-way line of Ralph Fair Road, in the west line of the Owens 154.12 acre tract, for the northwest corner of the 8.750 acre tract and the southwest corner of the tract described herein;

THENCE: Along and with the east right-of-way line of Ralph Fair Road and the west line of the Owens 154.12 acre tract, the following two (2) courses:

1. With a non-tangent curve to the left having a radius of **5779.58 feet**, a delta angle of **03° 27' 01"**, an arc length of **348.04 feet** and a chord bears, **N 01° 13' 29" E**, a distance of **347.99 feet** to a found 1" iron square for a point of tangency of the tract described herein, and
2. **N 00° 30' 01" W**, a distance of **1334.26 feet** to the **POINT OF BEGINNING** and containing **145.4 acres** situated partially in Bexar County and Comal County, Texas and being described in accordance with a survey prepared by KFW Surveying. Bearings are based on NAD83 (2011) Texas State Plane South Central Zone, 4204. Distances recited herein are surface distances using an average combined scale factor of 0.99982917988.

Job No.: 15-133
Prepared by: KFW Surveying
Date: November 2, 2015
File: S:\Draw 2015\15-133 FM 3351 145 Acres\DOCS\FN – 145.4 AC

EXHIBIT B
CONCEPT PLAN



February ___, 2016

The Arbors Subdivision Development

The Arbors is a community of up to 91 homes on a 145 acre site that was previously owned by David and Dianne Owens. The property was purchased by Scott Felder Homes, LLC (the Developer) and is being developed by them. The conceptual design of this property was presented at several city council meetings in the last half of 2015. Representatives of the Developer engaged in both presentations and question and answer sessions with city council and citizens present at the meetings.

The most distinctive characteristic of this Development is that the developer is donating, at no cost to us, approximately 98 acres of this property. The Developer will deed this 98 acres in a manner that will prevent any future development of the property. The community is being built in a modern style in which clusters of homes are built with green space between the various units.

The City's Comprehensive Plan and Land Use Map recommends minimum lot sizes of one acre in this location. While the 91 lots will be smaller than this, the overall density of the 145 acre development will be 1.6 acres per home which is a very desirable outcome.

Beyond these clusters will be approximately 75 acres which the Developer will donate either to Fair Oaks Ranch Homeowners Association (FORHA) or the City. If FORHA chooses not to accept the property, it will be deeded to the City. This portion of the property is being referred to as The Preserve.

Between The Preserve and the cluster of homes will be an area of approximately 19 acres that will be donated to the homeowners association of The Arbors as an open space buffer. This portion of the property is being referred to as the Development Buffer. This area will also remain in its natural state with the exception of trails and water/quality detention improvements.

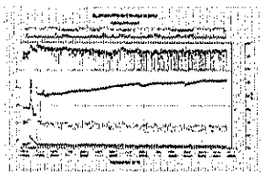
As part of the Development Agreement, the Developer agreed to build an access road and parking lot, and to clear approximately 4,100 fee of trail that could be used for recreation. The ownership, final design, and future uses of those features are in process of being resolved as part of the discussions with the Developer and FORHA. The Developer is also dedicating five acres of property for the City to use. No specific use of this property has been defined at this time.

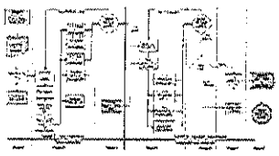
The City has committed to provide water and wastewater service to 91 residential units and associated community entryway landscaping within the property as part of the Development Agreement. The annexation of this property was anticipated in the Development Agreement. The subdivision will provide tax revenue to the City. The residents of the subdivision will be required to join FORHA as is true for almost all of the residents of the City.

We look forward in continuing our work with Scott Felder Homes and FORHA in their development of the Arbors, in defining future ownership of the 75 acres and in considering the annexation petition. A copy of the annexation petition and Concept Plan of the subdivision as approved by the Development Agreement in February 2016 can be following this page.

rjngroup

July 21, 2016





Flow Monitoring

An Overview for Fair Oaks Ranch, Texas

Prepared by: Stephen H. Jeffus, PE

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The Choice for Collection System Solutions

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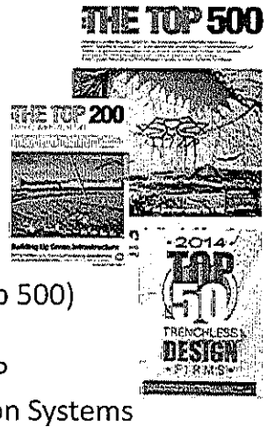
Who is RJN?



- Engineering Firm established in 1975
- Specialist in Collection Systems
  - Flow Monitoring and Modeling
  - Inspection / Evaluation
- Ranked by
  - ENR – Design and Wastewater (Top 500)
  - Trenchless Technologies (Top 15)
- Certified in NASSCO: PACP and MACP
- Culture and Core Services in Collection Systems
- Completed over 1,000 I/I SSA Projects

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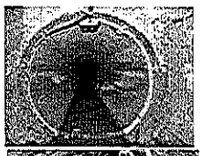
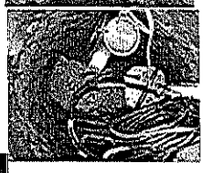
RJN for Flow Monitoring

- Offer Innovative Flow Monitoring Solutions
- 40 years of experience
- Technology Independent
- Advanced Data Management





2015 Flow Meter Stats

- Project Size: 2 – 224 meters
- 650 Meters in service at one time
- 817 Meter Sites
- 98.62% Uptime

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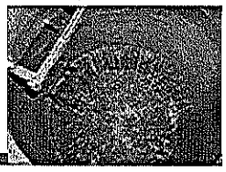
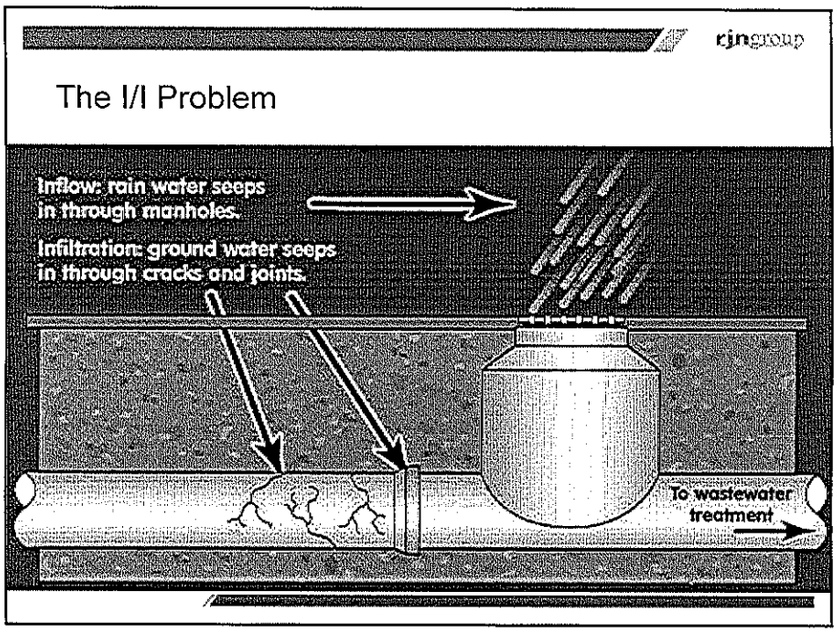
The I/I Problem

Extraneous flow enters from two sources.

- Infiltration - groundwater that enters through defective pipes, manholes, or building connections.
- Inflow - surface water that finds direct entrance by way of downspouts, sump pumps, manholes, and catch basins.

- Problems develop when I/I becomes excessive.
- Collection system capacity is exceeded resulting in surcharging, overflows, and backups.
- Leads to public health hazards and increased operation and maintenance costs.

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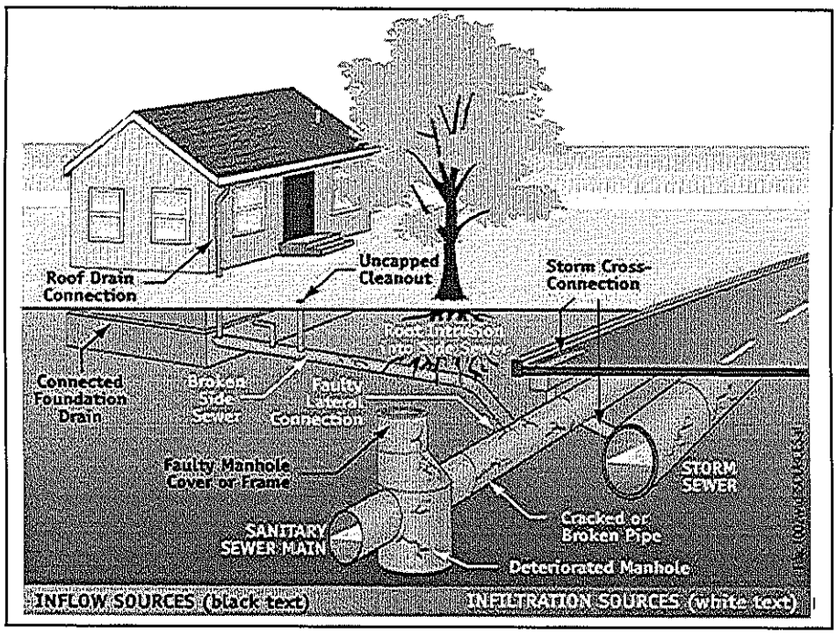
The I/I Problem
Inflow: rain water seeps in through manholes.
Infiltration: ground water seeps in through cracks and joints.
To wastewater treatment


Roof Drain Connection
Uncapped Cleanout
Storm Cross-Connection
Connected Foundation Drain
Broken Side Sewer
Faulty Connection
Faulty Manhole Cover or Frame
STORM SEWER
Cracked or Broken Pipe
SANITARY SEWER MAIN
Deteriorated Manhole
INFLOW SOURCES (black text)
INFILTRATION SOURCES (white text)

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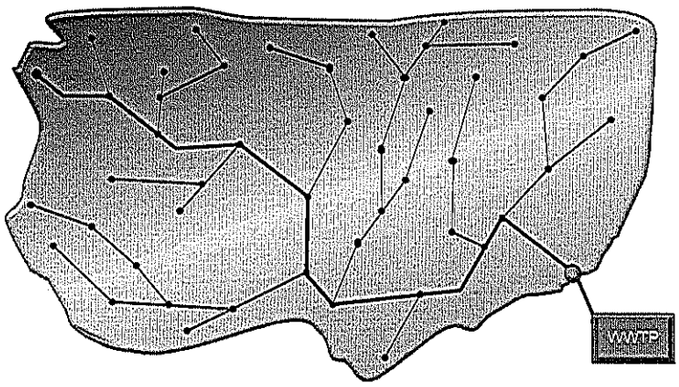
Hydraulic Performance



Misleading Conclusio | 100% of system bad

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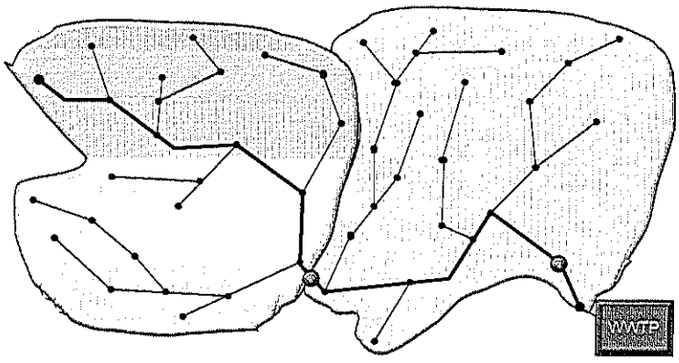
Hydraulic Performance



One basin worse than the other

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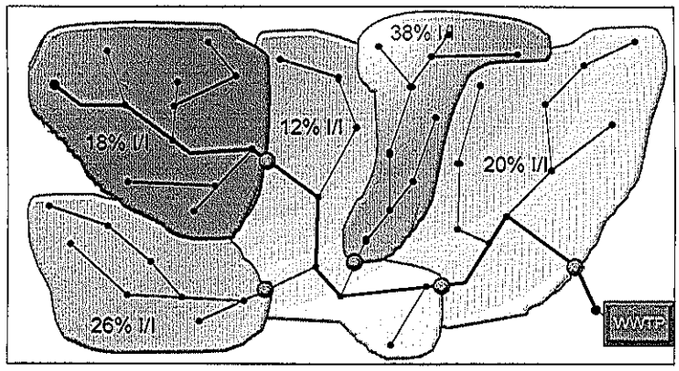
Hydraulic Performance



Priority Basins Identified

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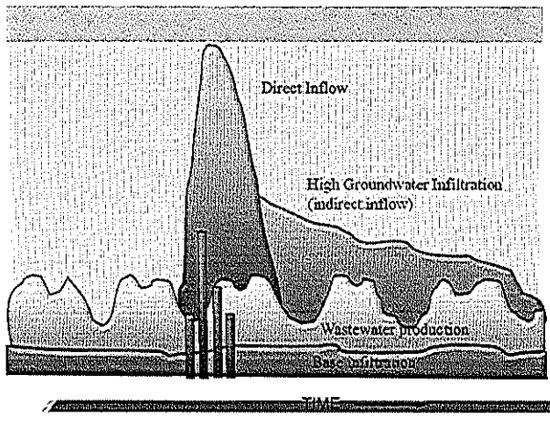
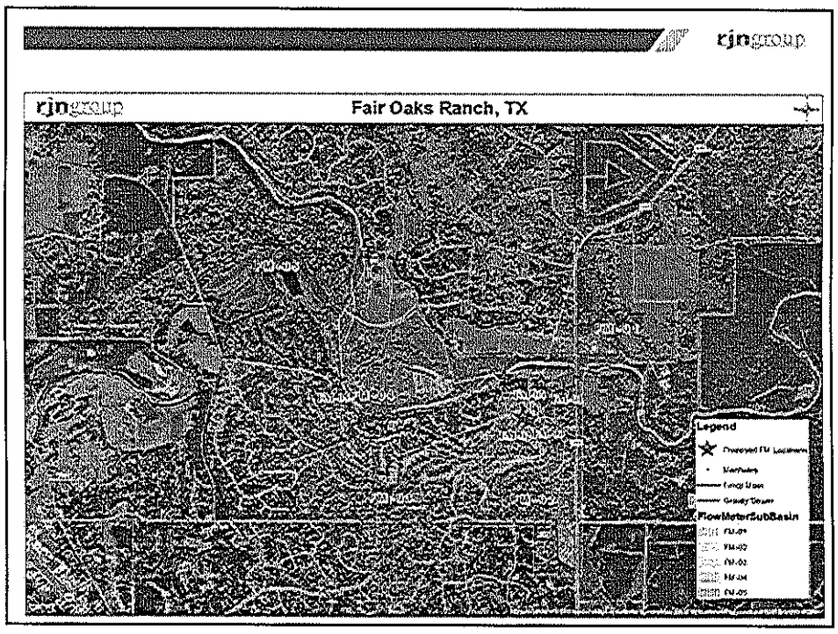
Hydrograph Fundamentals





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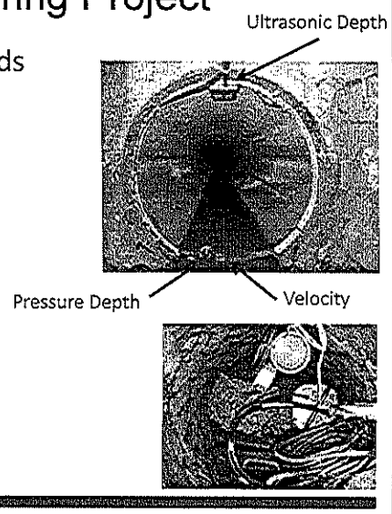
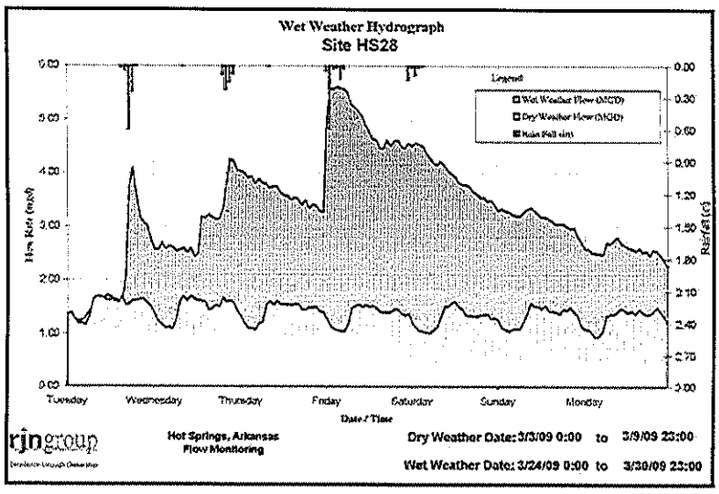
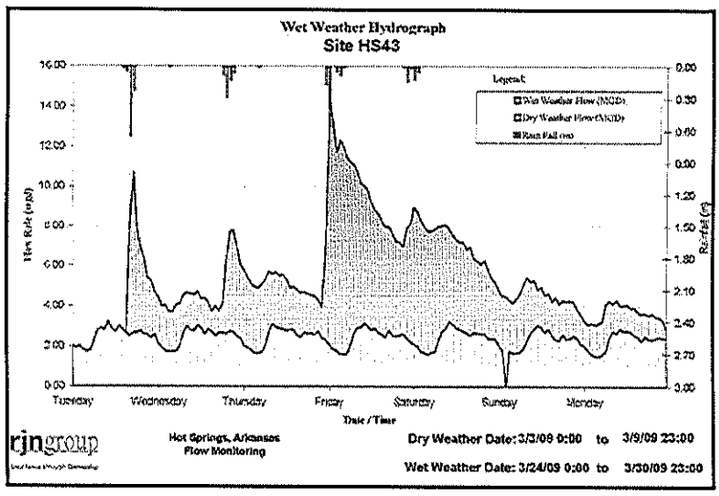
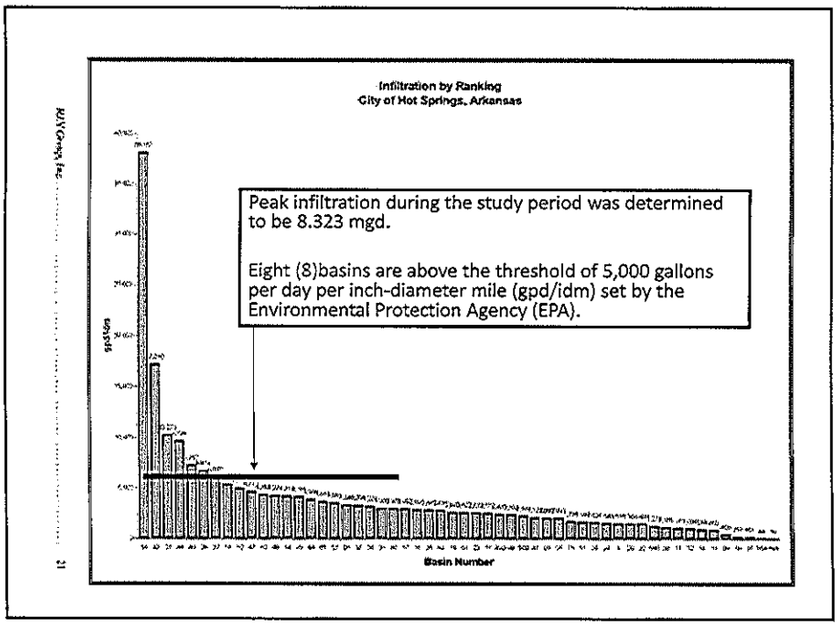
Proposed Flow Monitoring Project

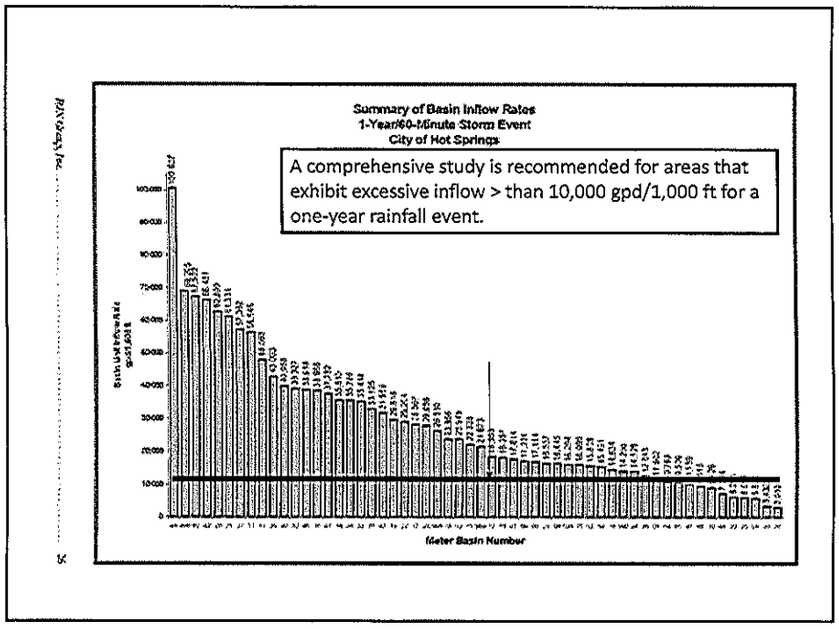
- Review Maintenance Records
- Define Basin Boundaries
  - 5 Basins in System
- Select Sites
- Install/Maintain Meters
- Study Duration ≈ 60 days
- Analyze Flow
  - Dry Weather Flow
  - Peak Infiltration Rates
    - Peak Inflow Rates
    - Wet-weather Flow
- Determine Priority Basins




Wet Weather Hydrograph
Site HS28
Legend
Wet Weather Flow (MGD)
Dry Weather Flow (MGD)
Rain Fall (in)
Flow Rate (mgd)
Rainfall (in)
0.00
1.00
2.00
3.00
4.00
5.00
6.00
0.00
0.30
0.60
0.90
1.20
1.50
1.80
2.10
2.40
2.70
3.00
Tuesday
Wednesday
Thursday
Friday
Saturday
Sunday
Monday
Date / Time
rjngroup
Hot Springs, Arkansas
Flow Monitoring
Dry Weather Date: 3/3/09 0:00 to 3/9/09 23:00
Wet Weather Date: 3/24/09 0:00 to 3/30/09 23:00


Wet Weather Hydrograph
Site HS43
Legend
Wet Weather Flow (MGD)
Dry Weather Flow (MGD)
Rain Fall (in)
Flow Rate (mgd)
Rainfall (in)
0.00
2.00
4.00
6.00
8.00
10.00
12.00
14.00
16.00
0.00
0.30
0.60
0.90
1.20
1.50
1.80
2.10
2.40
2.70
3.00
Tuesday
Wednesday
Thursday
Friday
Saturday
Sunday
Monday
Date / Time
rjngroup
Hot Springs, Arkansas
Flow Monitoring
Dry Weather Date: 3/3/09 0:00 to 3/9/09 23:00
Wet Weather Date: 3/24/09 0:00 to 3/30/09 23:00


Infiltration by Ranking
City of Hot Springs, Arkansas
Peak infiltration during the study period was determined to be 8.323 mgd.
Eight (8)basins are above the threshold of 5,000 gallons per day per inch-diameter mile (gpd/idm) set by the Environmental Protection Agency (EPA).
Basin Number

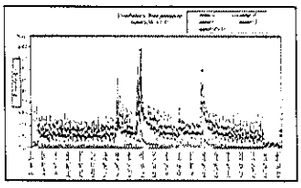

Summary of Basin Inflow Rates
1-Year/60-Minute Storm Event
City of Hot Springs
A comprehensive study is recommended for areas that exhibit excessive inflow > than 10,000 gpd/1,000 ft for a one-year rainfall event.
Meter Basin Number

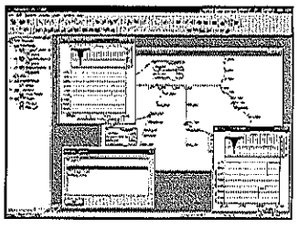
Typical Project Approach (SSES)

First Tier
- Measure Flow Rates
- Evaluate Lift Stations
- Capacity Analysis / Modeling

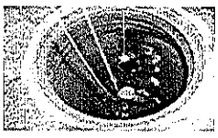
Second Tier
- Identify Defects

Design
- Capacity Improvement
- I/I Removal





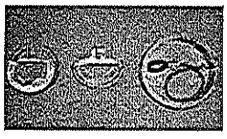
Field Investigation Methods



Manhole / Visual Pipe

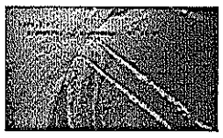
Visual Pipe Inspect

Smoke Testing



Flow Isolation

Dye Water Flooding



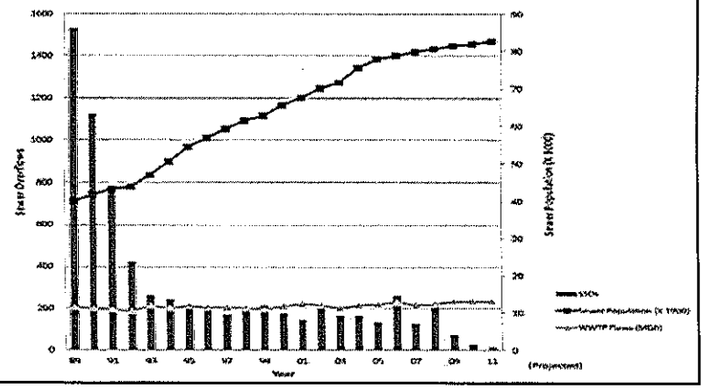
TV Inspection

Quantify Defects
Balance Source Flows Against Monitored Flows

cjngroup

Proven SSO Reduction Programs

- Population Doubled (40k – 80k)
- Plant Flows - Unchanged
- Overflows - Declined (1,500 . . 2 today)



WERLING
ASSOCIATES, INC.

Solutions and Leadership
for Human Resource Management

Base Pay System Design Report
for
City of Fair Oaks Ranch

Prepared by:

Stephen Werling, DBA, SPHR

September 11, 2015

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INTRODUCTION

Werling Associates, Inc. provides this base pay system design for Fair Oaks Ranch. The report provides the City Administrator with the information to support the new base pay system. The new base pay system focuses on the organization's concern for maintaining competitive pay relative to other similarly sized organizations, and follows standard compensation practice in providing salary survey information from various wage surveys. The pay system provides a recommended pay range for each job, based on the market estimates and internal considerations. The pay system also includes a model for determine individual pay rates.

WERLING ASSOCIATES, INC.'S ROLE

Werling Associates, Inc. is a San Antonio, Texas based human resource management consulting firm specializing in compensation system design. The analysis and recommendations reflect our knowledge of sound compensation practice. Werling Associates, Inc. is a consulting firm and does not practice law. As such, the analysis and recommendations represent our view as management consultants from a business perspective. The organization should consider the information and interpretations contained in this report as reference points for decision-making, not as legal opinion or legal advice. The organization should consult with an attorney on any legal matters associated with this report.

The primary role of Werling Associates, Inc. in the base pay system design process is that of a technical consultant and advisor. It is the responsibility of the management to make all final compensation decisions.

OBJECTIVES

To achieve the compensation philosophy, the compensation system has several specific objectives:

- Enhance and support the organization's culture, strategies, and objectives.
- Ensure pay decisions are made within the organization's long-term financial objectives, as with any financial decision, be conservative.
- Standardize the wage determination process.
- Establish wage levels that are competitive with those paid for similar work in the relevant labor market.
- Assure that the organization meets the FLSA requirements with respect to exempt status.

BASE PAY SYSTEM DESIGN

The pay system design follows a market based job evaluation process to develop a pay structure and assign pay grades. The process included a complete and open Executive review of all pay data and related information. The base pay system design process includes the following steps.

Collect Relevant Base Information

The organization provided the following information for all jobs and employees included in the project:

- Current pay practices;
- The updated job descriptions;

- Organizational charts;
- Departmental job hierarchy;
- Career path;
- Employee data; and
- Other related information.

Collect Wage Survey Data

The availability of market data is critical to the success of the compensation system design. The design process uses published surveys. The published surveys provide the organization with the ability to update the pay system on an annual basis. Several custom surveys provide additional city specific information. The analysis adjusts the national wage data to reflect wages in San Antonio using the geographic differentials provided by the 2014 Economic Research Institute Geographic Assessor. The analysis adjusted all survey data to June 1, 2015 using a 3.0% annual rate. The analysis used the following surveys:

- 2015 San Antonio Area Wage and Benefit Survey; Werling Associates, Inc.
- 2015 Salary Assessor, Economic Research Institute (ERI)
- 2014 AWWA National Compensation Study (Small and Medium-Sized Water and Waterworks Utilities)
- 2015 Custom Local City Survey

Boerne	Live Oak	Selma	Terrell Hills
Bulverde	Olmos Park	Shavano Park	

- 2010 TML Survey (General comparison only)

Seguin	Boerne	Live Oak	Marble Falls
Universal City	Fredericksburg	Alamo Heights	Selma

- 2012 Broad Local City Survey (General comparison only)

Bexar County	Fair Oaks Ranch	SA River Authority	Selma
Boerne	Helotes	San Antonio	Sequin
Comal County	Kerrville	San Marcos	Universal City
Converse	New Braunfels	Schertz	

Design Pay Structure

The design of a traditional pay structure involves three decisions: the minimum pay for any job in the organization, the midpoint separation between pay grades, and the range spread. Each pay range has a minimum, a midpoint, and a maximum pay level.

Minimum Pay

The organization maintains a minimum wage equivalent to the prevailing minimum wage as described in the Federal Labor Standards Act. The federal minimum wage is $7.25 or $15,080.

Midpoint Separation

The midpoint separation between pay grades represents the average differential that the organization expects to maintain between jobs in adjoining pay grades. The differential reflects the organization's treatment of pay differentials in the marketplace as well as differences in job duties and responsibilities. Organizations may choose either a constant percentage differential between the grades, typically 6% - 10%, or an increasing differential for higher pay grades.

The structure chosen by the organization uses a standard differential of 8% between all pay grades. This differential allows sufficient increases to encourage employees to take on additional responsibilities through promotions. The differentials also create a sufficient number of pay grades to accommodate future growth and changes within the organization.

Pay Range

The pay range is the percentage differential from the minimum to the maximum of the range. The pay range provides flexibility in establishing employee wage rates based on individual differences and some differences in job expectations. The pay range also provides flexibility in dealing with changing market forces. The pay range, when combined with midpoint pay grade differentials can provide sufficient overlap in pay grades to accommodate the overlap of skills and broad classifications of jobs.

The proposed structure uses a constant 50% range in each pay grade. The constant differential is easily explained to employees and still provides the broader dollar ranges needed at the higher pay grades to accommodate larger variances in employee characteristic and other related factors. Exhibit 1 provides the base pay structure.

Establish the Pay Level Policy

The City maintains a pay policy of meeting the average total compensation wages within the relevant labor market of similar sized cities in the San Antonio area.

Implement a Market Based Job Evaluation Process

The job evaluation process establishes general rules to provide a standard treatment of jobs based on the market data and internal organizational considerations.

The market-based process assigns each benchmark job with market data to the pay grade where there is the closest match between the adjusted market rate and the midpoint of the pay grade. This ensures that the midpoint of the pay grade is within 4% of the adjusted market average. The matching process is not an exact science due to differences in market estimates across surveys. The market evaluation guidelines address the differences to reflect the degree of relationship between a particular survey and the relevant

labor market. The closer the survey is to the labor market, the stronger the confidence in the survey and the greater the weight given to the survey.

The market based job evaluation process assigns non-benchmark jobs to pay grades based on an analysis of internal job related factors that may influence compensation for the job. The internal analysis may also adjust the market pay grades to reflect the internal relationships based on the same factors. These factors include, but are not limited to reporting relationships within the organization, grade assignments of similar jobs in the organization, differences in job responsibilities, scope of responsibilities, skill requirements, specific knowledge requirements, managerial input, and other compensable factors.

The market-based job evaluation process has numerous advantages and disadvantages over the traditional job evaluation plans or a pure market pricing process. A review of these advantages and disadvantages provides a better understanding of the design process.

Advantages

- Focuses on the market rate as the primary basis for assigning pay grades to benchmark jobs.
- Establishes consistent rules to maintain external, internal, and individual equity.
- Uses organizational relationships and relative job responsibilities to assign non-benchmark jobs to pay grades.
- Supports organizational requirements of attracting and retaining employees.
- Matches labor costs with those of competitors.
- Significantly reduces time needed to design and maintain the pay system.
- Results in approximately 95% accuracy in the initial pay grade assignments.

Disadvantages

- High employee awareness to market data places increased pressure on organizations to maintain a competitive position in difficult times.
- Requires annual or semi-annual updates to maintain employee acceptance.

Werling Associates assigned initial pay grades based on the market information and the relationships between the jobs. The Police Chief, Building Officer, City Administrator, City Secretary, Deputy City Administrator, Public Works Director/City Engineer, and Human Resources Manager reviewed the market information and initial pay grades and made appropriate recommendations.

The Building Officer verified the job requirements for one job.

- **Building Inspector:** The Building Inspector is a fully qualified Construction Inspector who works part-time. The pay grade matches the survey data for a Construction Inspector, pay grade 15.

The Police Chief recommended three related pay grade changes.

- **Police Officer:** Werling Associates initially assigned the pay grade to match the average in the local survey, with the expectation that the job should be assigned to a pay grades based on the starting pay. The Police Chief agreed with the later recommendation. Match the average minimum pay in the local survey to the closest pay grade minimum, assign job to pay grade 15.

- **Investigator:** The market surveys suggest that the Police Inspector should be approximately two pay grades above the Police Officer. Police Chief recommended the same pay grade with a differential to provide more flexibility in assigning duties.

- **Sergeant:** Change from pay grade 15 to 17 to maintain a two pay grade differential from the Police Officer.

The Public Works Director/City Engineer recommended one change in the initial pay grades.

- **Water/Wastewater Operator III:** Change from pay grade 12 to pay grade 13. The job is a lead job and requires dual certification.

The City Administrator, City Secretary and Deputy City Administrator reviewed the administrative positions and resolved some Werling Associates, Inc. questions.

- **Finance Officer:** Job description reads like a supervisor rather than a full Finance Officer. Werling Associates, Inc. assigned the job to an initial pay grade based on the supervisor market data. The Executives agreed to pay grade 15, the average of the San Antonio Survey based pay grade and ERI survey pay grade.

- **City Secretary:** The executives identified a split in the City Secretary/Assistant to the City Administrator job after the start of the project. The City Secretary matched to the local survey data. Most respondents matched the combined job to their City Secretary. Job assigned to pay grade 17.

The City Administrator reviewed the Executive positions and resolved any conflicts of issues.

- **Police Chief:** Market data suggests a pay grade 20. The previous pay structure had the Police Chief and the Public Works Director/City Engineer in the same pay grade. Both jobs have similar education and experience requirements and a similar number of employees in the departments. Werling Associates, Inc. recommended that the City assign the jobs to the same pay grade. The City Administrator agreed.

  Deputy City Administrator: The City did not have a Deputy City Administrator at the time of the 2014 custom survey. The data in several other surveys indicate that few small cities have a Deputy City Administrator. The larger cities have a Deputy City Administrator who appears to be a fully function second in command.

  The lack of market data requires an internal analysis of the job. Werling Associates, Inc. recommends pay grade 23, one pay grade above the Police Chief and the Public Works Director/City Engineer.

All of the executive recommendations fit within the normal evaluation process and does not reflect any illogical or inappropriate decision making. Exhibit 2 provides the title, recommended pay grade, and the pay range for each job.

EMPLOYEE PAY DETERMINATION

The employee pay determination component involves an evaluation of individual wages compared to the recommended pay ranges and a process for establishing employee pay. The analysis uses the compa ratio to evaluate the employee's pay relative to the midpoint of the pay grades. The compa ratio is the employee's pay relative to the pay grade midpoint. The compa ratio for the minimum of the pay range is 0.80. The compa ratio for the maximum of the pay range is 1.20. A compa ratio of 1.00 indicates the employee's pay is at the midpoint of the pay grade.

The expected average pay grade in a mature organization is between 0.95 and 1.05. A fully qualified employee with seven years on the job should have a compa ratio of approximately 1.00. The current average compa ratio is 0.89. The average compa ratio indicated that the City's wages are approximately 11% below the expected wages in the marketplace.

Individual Pay Model (IPM)

The primary decision in a base pay system is the pay for each employee. The project uses an Individual Pay Model to determine the pay for each employee. The Individual Pay Model (IPM) combines multiple job-related factors into a weighted equation to determine a target pay for each employee within a competitive pay range. The IPM for the City of Fair Oaks Ranch includes previous experience, time on the job, performance, and the current additional pay provided by the City, education pay, stipends, certification pay and longevity pay.

The Individual Pay Model re-computes the employee's pay each year rather than determining a percentage increase to the previous pay. This insures that the employee's pay is correct based on the factors in the model and breaks the link between the employee's current pay and any past decisions; thus improving efficiency and reducing any potential liability for past pay decisions. The IPM, when matched with a market based structure, provides the most complete and equitable process for determining the appropriate pay for all employees.

Advantages

- The most efficient model to allocate wages based on the need to retain and reward the best employees.
- Provides a conservative estimate of the ideal expected pay.
- Matches the organization's overall pay philosophy in a competitive market.
- Corrects many compensation problems including pay inequities, pay compression, inefficient pricing decisions, etc.
- Provides an efficient pay determination process that mirrors the sophistication of other substantial financial decisions.
- Significantly reduces the risk of legal actions related to pay decisions.

Disadvantages

- Requires additional processes to evaluate the factors used in the model.
- Requires a change in organizational culture related to compensation.
- Requires a process to reduce overpayments to employees that are due to past inefficient pay decisions.
- Results in a short term increase in labor costs to correct any past inequities.
- Requires training for managers and employees to explain the change in pay practices.

The Individual Pay Model Equation is:

Target Pay = Minimum of the pay grade * (1 + (%) * Previous external and internal experience + (%) * Time on the job))
+ Additional education pay
+ Certification pay
+ Stipends
+ Additional duty pay

The organization will use the Individual Pay Model for computing starting pay, promotional pay increases, and future equity adjustments. The Excel program that supports the base pay plan design contains all of the employee information to support the individual adjustments.

Exhibit 3 provides the factors and weights for the Individual Pay Model.

COST IMPLICATIONS

The average adjustment based on the Individual Pay Model (IPM), with a 1.80% minimum increase, is 4.74%. The cost of the annual increase with the equity adjustment is $96,744.76. The annual pay for each employee also includes the past payments for education, certification, stipend, longevity, and additional duties. These amounts increases the reported budget for the wages but do not increase the budget.

CONTINUING ACTIVITIES

The City executives brought up several pay related issues during the design process that require additional discussion. Many of the issues relate to the pay practices in specific departments compared to the City as a whole. The City Executives should discuss these recommendations using an overall City perspective rather a department perspective.

Merit Pay

The City Administrator indicated that the City wants to move to a merit increase plan starting this fiscal year. The new job specific performance appraisal system will be in place by October 1st. The appraisal system allows the City to collect the necessary performance ratings on approximately September 1, 2016. The supporting Excel program includes a templet for developing a merit matrix to determine the merit increases. The Individual Pay Model includes the merit increases for 2016 and beyond.

The City Executives must determine the appropriate merit matrix model and related policies to support the merit increases.

Education Credit

Many organizations provide additional pay to employees who obtain additional education beyond the minimum requirements for the job. The education pay is typically limited to degrees in job related areas. The City currently provides the Police Officers with pay for additional education. The education pay applies to a degree in any field. The education pay does not apply to any other employees.

The City Executives should consider expending the education pay to all employees. The City should also consider either limiting the additional pay to job related degrees or providing a differential rate for job related and non-job related degrees.

Career Path for Police Officers

The Police Chief has developed a career path for the Police Officers that considers completion of training, advancement towards a degree and other job related factors. The City Executives should review the plan in light of the changes to the pay plan, especially the Individual Pay Model. The City should consider the role of career paths in the organization rather than just one or two departments.

Corporals to Sergeant

The Police Chief recommended that the City replace the Police Corporal job with a Police Sergeant job. The change reflects both internal and external needs. The Police Corporals are currently performing many of the supervisory duties of a Sergeant including conducting performance appraisals. The Corporals may also be involved in external activities that are typically filled by Sergeants. The cost of the change is approximately $4,500 per year.

The City should consider several related factors in determining the need for four additional Sergeants and their pay. First, 5 Sergeants would result in a very narrow span of management with only 12 Police fficers. This span of management is much narrower than the typical 5 – 9 employees found in most organizations.

Second, the narrow span of management creates a situation where the Sergeant job may be non-exempt under the Fair Labor Standards Act. The law requires that supervisors oversee two or more employees and that the primary duty of the job is supervision. The primary duties test is difficult to meet if the supervisor only has the minimum of two direct reports. This issues may be even more important with the upcoming changes for the FLSA Regulations. Our Sergeant position is paid non-exempt.

Third, the current proposal recommends promoting all of the current Police Corporals. The City must consider the job change a promotion. The City should establish minimum requirements for the Sergeant job, then evaluate the Corporals based on the minimum requirements. In addition, the City should provide supervisory training to the new Sergeants.

Employee Training

The City executives and the Human Resources Manager play a critical role in the ongoing success of the base pay system. The final element of a strong base pay system is the training of all employees involved in the pay system management and training all employees, to improve the understanding and acceptance of the process and related decisions.

Werling Associates, Inc. will train the appropriate City staff to maintain the base pay system and provide 10 hours continuing support for the next 6 months. Werling Associates, Inc. recommends training all employees on the new base pay plan prior to the first pay period in October.

SUMMARY

The base pay plan, the accompanying Excel program, and the employee training provide the City with the tools necessary to establish and maintain competitive base pay. The plan also provides flexibility to address new pay issues in the future.

Exhibit 1 - Base Pay Structure

PAY GRADE	HOURLY			ANNUAL		
	GRADE MIN	GRADE MID	GRADE MAX	GRADE MIN	GRADE MID	GRADE MAX
1	7.25	9.06	10.88	15,080	18,850	22,620
2	7.83	9.79	11.75	16,286	20,358	24,430
3	8.46	10.57	12.68	17,589	21,987	26,384
4	9.13	11.42	13.70	18,996	23,746	28,495
5	9.86	12.33	14.80	20,516	25,645	30,774
6	10.65	13.32	15.98	22,157	27,697	33,236
7	11.50	14.38	17.26	23,930	29,913	35,895
8	12.43	15.53	18.64	25,844	32,306	38,767
9	13.42	16.77	20.13	27,912	34,890	41,868
10	14.49	18.12	21.74	30,145	37,681	45,217
11	15.65	19.57	23.48	32,557	40,696	48,835
12	16.90	21.13	25.36	35,161	43,951	52,742
13	18.26	22.82	27.39	37,974	47,468	56,961
14	19.72	24.65	29.58	41,012	51,265	61,518
15	21.29	26.62	31.94	44,293	55,366	66,439
16	23.00	28.75	34.50	47,836	59,795	71,754
17	24.84	31.05	37.26	51,663	64,579	77,495
18	26.83	33.53	40.24	55,796	69,745	83,694
19	28.97	36.21	43.46	60,260	75,325	90,390
20	31.29	39.11	46.93	65,081	81,351	97,621
21	33.79	42.24	50.69	70,287	87,859	105,431
22	36.50	45.62	54.74	75,910	94,888	113,865
23	39.41	49.27	59.12	81,983	102,479	122,975
24	42.57	53.21	63.85	88,542	110,677	132,813
25	45.97	57.47	68.96	95,625	119,531	143,438
26	49.65	62.06	74.48	103,275	129,094	154,913

Exhibit 2 - Jobs by Pay

Job Title	Pay Grade	Pay Grade Min	Pay Grade Mid	Pay Grade Max	Pay Grade Min	Pay Grade Mid	Pay Grade Max
Deputy City Administrator	~~23~~	39.41	49.27	59.12	81,983	102,479	122,975
Police Chief	22	36.50	45.62	54.74	75,910	94,888	113,865
Public Works Dir./City Engineer	22	36.50	45.62	54.74	75,910	94,888	113,865
Police Sergeant	17	24.84	31.05	37.26	51,663	64,579	77,495
Public Works Superintendent	17	24.84	31.05	37.26	51,663	64,579	77,495
Building Official	16	23.00	28.75	34.50	47,836	59,795	71,754
Finance Officer	16	23.00	28.75	34.50	47,836	59,795	71,754
Police Corporal	16	23.00	28.75	34.50	47,836	59,795	71,754
City Secretary	~~16~~ 15	21.29	26.62	31.94	44,293	55,366	66,439
Engineer ~~In Training~~	~~17~~ 15	21.29	26.62	31.94	44,293	55,366	66,439
Police Investigator	15	21.29	26.62	31.94	44,293	55,366	66,439
Police Officer	15	21.29	26.62	31.94	44,293	55,366	66,439
Water/Wastewater Operator Supv.	15	21.29	26.62	31.94	44,293	55,366	66,439
Building Inspector	14	19.72	24.65	29.58	41,012	51,265	61,518
GIS Technician	13	18.26	22.82	27.39	37,974	47,468	56,961
Human Resources Specialist	13	18.26	22.82	27.39	37,974	47,468	56,961
Maintenance Supervisor	13	18.26	22.82	27.39	37,974	47,468	56,961
Water/Wastewater Operator III	13	18.26	22.82	27.39	37,974	47,468	56,961
Court Clerk	11	15.65	19.57	23.48	32,557	40,696	48,835
Water/Wastewater Operator II	11	15.65	19.57	23.48	32,557	40,696	48,835
Administrative Assistant	10	14.49	18.12	21.74	30,145	37,681	45,217
Utility Clerk	10	14.49	18.12	21.74	30,145	37,681	45,217
Finance Assistant	10	14.49	18.12	21.74	30,145	37,681	45,217
Maintenance Lead	10	14.49	18.12	21.74	30,145	37,681	45,217
Administrative Clerk	8	12.43	15.53	18.64	25,844	32,306	38,767
Water/Wastewater Operator I	~~9~~ 8	12.43	15.53	18.64	25,844	32,306	38,767
Maintenance Worker	~~8~~ 7	11.50	14.38	17.26	23,930	29,913	35,895
Utility Technician	~~8~~ 7	11.50	14.38	17.26	23,930	29,913	35,895

Exhibit 3 - Individual Pay Model Weights

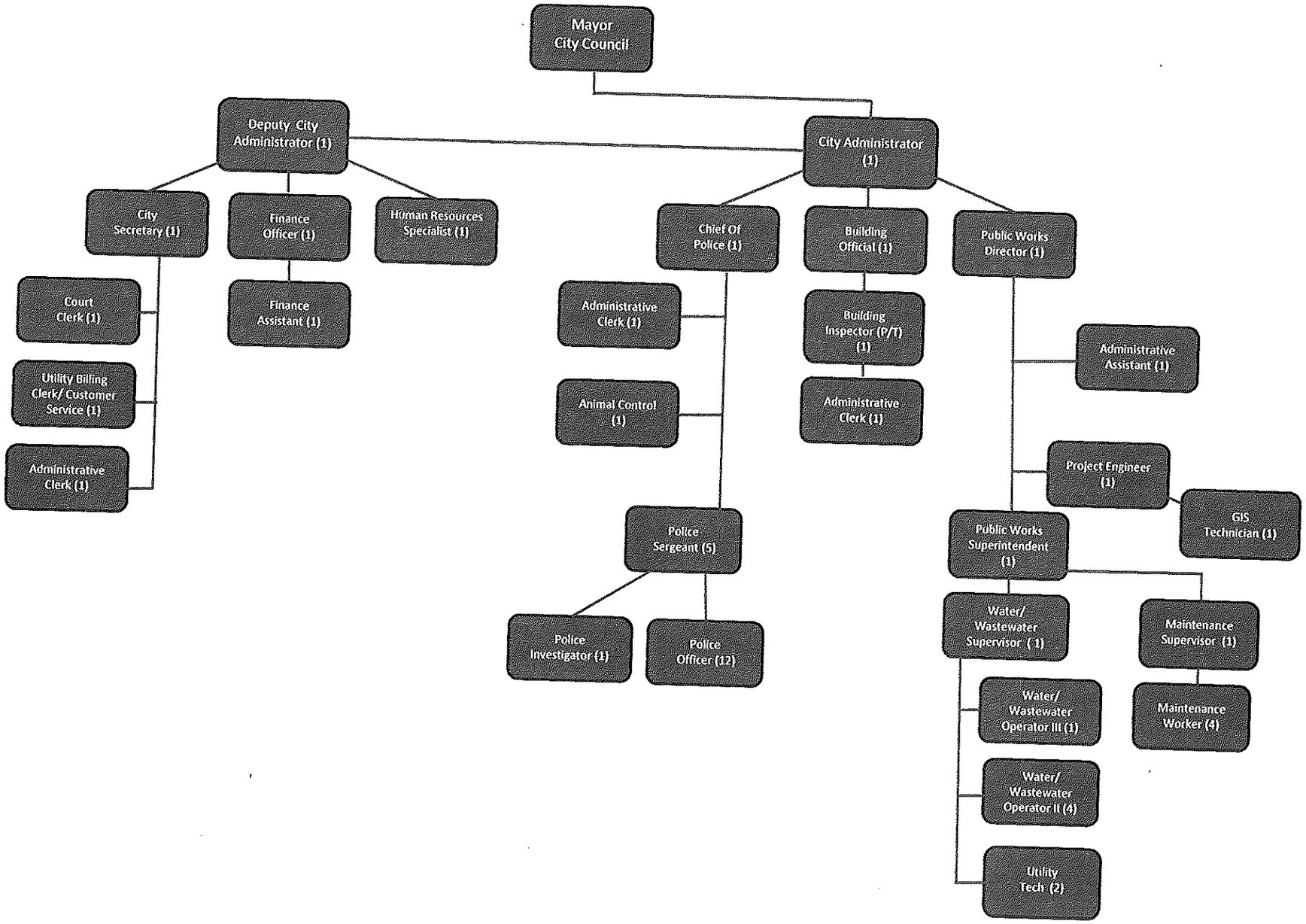
Factor	IPM 1 Weight	IPM 2 Weight
External experience beyond job requirements (Same job):	1.00	1.00
External experience beyond job requirements (Related jobs):	0.75	0.75
Internal experience beyond job requirements (Same Job):	1.10	1.10
Internal experience beyond job requirements (Related Jobs):	0.85	0.85
Time on job at implementation:	2.50%	2.75%
Additional pay discretion:	1.00%	1.00%

Credited Job Experience	IPM 1			IPM 2		
	Years	Pct.	Max Pct.	Years	Pct.	Max Pct.
0-5 Years	0	1.50%	7.50%	0	2.00%	10.00%
Over 5 - 10 Years	5	1.25%	6.25%	5	1.75%	8.75%
Over 10 - 15 Years	10	0.75%	3.75%	10	1.25%	6.25%
Over 15 Years	15	0.50%		15	1.00%	

Education	IPM Level 1			IPM Level 2		
	Rating	Pct.	$	Rating	Pct.	$
LT HS	1	0.00%	0.0000	1	0.00%	0.00
HS or GED	2	0.00%	0.1000	2	0.00%	0.20
One Year College Diploma	3	0.00%	0.2000	3	0.00%	0.40
Assoc. Degree	4	0.00%	0.4579	4	0.00%	0.60
Bachelor's Degree	5	0.00%	0.9158	5	0.00%	1.10
Master's Degree	6	0.00%	1.1000	6	0.00%	1.20
JD/PhD	7	0.00%	1.5000	7	0.00%	1.70

Additional Duties - $	Code	Hourly	Description
	1		
	2		
	3	0.1374	Patrol Officer Intermediate
	4	0.2747	Patrol Officer Advanced
	5	0.4128	Patrol Officer Master
	6	0.2885	Water/Wastewater B
	7	0.5769	Water/Wastewater A
	8	0.4375	FORMDD Stipend - City Secretary
	9	0.6250	FORMDD Stipend - Finance Officer
	10	0.1374	Rabies Control Officer
	11	0.4579	Investigator Responsibilities

City of Fair Oaks Ranch
Organizational Chart
June 6, 2016



Job Title	Annual Hours	2015 Pay Grade	2015 Grade Min	2015 Grade Mid	2015 Grade Max	2016 Performance Score	Job Exerience	Additional education	Time on Job at 2015 Implementation	Longevity	Additional Pay %	Additional Pay %	Additional Pay %	Additional Duties $	Additional Duties $ Certification	Additional Duties $ Stipend	Additional Duties $ Addl Duties	2016 Merit Increase	At Target Discretion	Target Pay $	Annual Pay w/ Min Increase	2016 Hourly Pay	Target Compa Ratio	Cost of Pay Change	2016 Annual
City Secretary	2080	16	23.00	28.75	34.50	2.25	1.89	0.00	0.00	0.06	0.00	0.00	0.00	0.00	0.00	0.44	0.00	0.95		26.34	25.82	26.34	3.9%	2033.41	54780.96
Maintenance Worker	2080	8	12.43	15.53	18.64	2.25	1.66	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.52		14.60	14.33	14.60	3.7%	1074.32	30360.72
Maintenance Worker	2080	8	12.43	15.53	18.64	2.25	0.00	0.00	2.38	0.19	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.52		15.52	14.98	15.52	5.5%	1671.07	32275.15
Water/Wastewater Operator II	2080	11	15.65	19.57	23.48	2.25	3.46	0.00	2.22	0.19	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.52	0.39	15.84	15.31	15.84	5.3%	1656.72	32938.46
Public Works Superintendent	2080	19	28.97	36.21	43.46	2.25	2.78	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.29	0.00	0.00	0.65		22.47	21.94	22.47	4.3%	1913.39	46735.31
Animal Control	2080	9	13.42	16.77	20.13	2.25	0.23	0.00	0.00	0.05	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.20		32.96	32.33	32.96	3.8%	2492.46	68553.26
Police Sergeant	2080	17	24.84	31.05	37.26	2.25	3.64	0.00	5.21	0.28	0.00	0.00	0.00	0.00	0.41	0.00	0.00	1.03		35.42	34.39	35.42	4.8%	3397.26	73664.66
Court Clerk	2080	11	15.65	19.57	23.48	2.25	3.40	0.00	1.66	0.08	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.65		21.44	20.96	21.44	4.2%	1783.39	44604.56
Maintenance Supervisor	2080	13	18.26	22.82	27.39	2.25	3.73	0.00	0.00	0.06	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.76		22.81	22.42	22.81	3.5%	1624.06	47434.40
Building Inspector	1200	14	19.72	24.65	29.58	2.25	0.59	0.00	1.96	0.12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.82		23.20	23.30	23.30	1.8%	494.42	27962.42
Police Officer	2184	15	21.29	26.62	31.94	2.25	0.00	0.00	1.97	0.06	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.88		24.21	23.50	24.21	4.9%	2456.56	52875.30
Building Official	2080	16	23.00	28.75	34.50	2.25	1.91	0.00	5.61	0.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.95		31.77	32.31	32.31	1.8%	1188.12	67194.59
Public Works Director/City Engineer	2080	22	36.50	45.62	54.74	2.25	6.01	0.00	7.59	0.23	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.51		51.84	53.99	53.99	1.8%	1985.67	112300.84
Water/Wastewater Operator Supervisc	2080	15	21.29	26.62	31.94	2.25	3.98	0.00	3.83	0.46	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.88		30.44	29.64	30.44	4.6%	2770.35	63324.35
Water/Wastewater Operator III	2080	13	18.26	22.82	27.39	2.25	1.78	0.00	0.00	0.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.76		21.09	22.40	22.40	1.8%	823.71	46585.62
Project Engineer	2080	17	24.84	31.05	37.26	2.25	0.70	0.00	1.90	0.05	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.03		28.52	27.75	28.52	4.6%	2632.24	59326.59
Water/Wastewater Operator II	2080	11	15.65	19.57	23.48	2.25	0.37	0.00	1.53	0.11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.65		18.31	19.15	19.15	1.8%	704.47	39841.58
Police Officer	2184	15	21.29	26.62	31.94	2.25	0.00	0.00	0.00	0.03	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.88		22.21	22.12	22.21	2.2%	1051.77	48497.25
Police Officer	2184	15	21.29	26.62	31.94	2.25	0.00	0.00	1.64	0.05	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.88		23.87	23.19	23.87	4.8%	2375.76	52121.16
Utility Clerk	2080	10	14.49	18.12	21.74	2.25	2.16	0.00	0.00	0.04	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.60		17.30	17.39	17.39	1.8%	639.55	36170.19
Police Officer	2184	15	21.29	26.62	31.94	2.25	0.72	0.00	1.72	0.05	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.88		24.66	23.99	24.66	4.7%	2391.54	53864.43
Finance Assistant	2080	10	14.49	18.12	21.74	2.25	0.98	0.00	0.00	0.03	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.60		16.10	16.55	16.55	1.8%	608.68	34424.20
Maintenance Worker	2080	8	12.43	15.53	18.64	2.25	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.52		12.94	12.65	12.94	4.1%	1062.67	26917.07
Administrative Clerk	2080	8	12.43	15.53	18.64	2.25	1.55	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.52		14.49	14.23	14.49	3.7%	1069.12	30147.52
Administrative Clerk	2080	8	12.43	15.53	18.64	2.25	2.16	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.52		15.10	14.85	15.10	3.5%	1067.87	31415.07
Police Officer	2184	15	21.29	26.62	31.94	2.25	0.00	0.00	2.88	0.10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.88		25.17	24.37	25.17	5.1%	2678.02	54962.11
Water/Wastewater Operator II	2080	11	15.65	19.57	23.48	2.25	0.51	0.00	2.06	0.16	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.65		19.04	19.68	19.68	1.8%	723.69	40928.59
GIS Technician	2080	13	18.26	22.82	27.39	2.25	1.55	0.00	0.00	0.18	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.76		20.75	19.89	20.75	6.2%	2512.02	43155.63
Administrative Clerk	2080	8	12.43	15.53	18.64	2.25	2.43	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.52		15.37	15.12	15.37	3.5%	1072.45	31965.02
Police Sergeant	2184	17	24.84	31.05	37.26	2.25	2.82	0.00	0.00	0.23	0.00	0.00	0.00	0.00	0.27	0.00	0.00	1.03		29.20	28.65	29.20	3.7%	2299.32	63762.97
Police Sergeant	2184	17	24.84	31.05	37.26	2.25	2.56	0.92	0.00	0.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.03		29.54	29.00	29.54	3.7%	2299.32	64522.35
Police Officer	2184	15	21.29	26.62	31.94	2.25	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.88		22.18	21.67	22.18	4.2%	1940.27	48437.63
Water/Wastewater Operator II	2080	11	15.65	19.57	23.48	2.25	0.50	0.00	1.47	0.13	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.65		18.40	19.17	19.17	1.8%	705.11	39878.13
Administrative Assistant	2080	10	14.49	18.12	21.74	2.25	1.19	0.00	0.00	0.14	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.60		16.42	16.97	16.97	1.8%	624.05	35293.76
Police Officer	2080	15	21.29	26.62	31.94	2.25	0.00	0.96	6.22	0.42	0.00	0.00	0.00	0.00	0.00	0.00	0.46	0.88		30.24	29.16	30.24	5.6%	3324.05	62900.03
Utility Technician	2080	8	12.43	15.53	18.64	2.25	2.09	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.52		15.03	14.78	15.03	3.6%	1072.66	31265.94
Utility Technician	2080	8	12.43	15.53	18.64	2.25	1.05	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.52		13.99	14.63	14.63	1.8%	538.01	30427.61
Police Chief	2080	22	36.50	45.62	54.74	2.25	5.20	0.00	10.66	0.46	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.51		54.32	52.53	54.32	5.3%	5661.76	112987.89
Police Officer	2184	15	21.29	26.62	31.94	2.25	0.00	0.92	0.00	0.03	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.88		23.12	23.05	23.12	2.1%		
Police Officer	2184	15	21.29	26.62	31.94	2.25	0.00	0.00	0.00	0.03	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.88		22.21	22.12	22.21	2.2%	1051.77	48497.25
Human Resources Specialist	2080	13	18.26	22.82	27.39	2.25	2.15	0.00	0.00	0.03	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.76		21.19	20.77	21.19	3.9%	1639.04	44084.56
Police Sergeant	2184	17	24.84	31.05	37.26	2.25	3.36	0.00	0.00	0.08	0.00	0.00	0.00	0.00	0.27	0.00	0.00	1.03		29.59	29.05	29.59	3.7%	2299.32	64630.02
Finance Officer	2080	16	23.00	28.75	34.50	2.25	0.00	0.00		2.70	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.95		26.65	36.71	36.71	1.8%		
Police Officer	2184	15	21.29	26.62	31.94	2.25	3.71	0.92	0.00	0.00	0.00	0.00	0.00	0.00	0.92	0.00	0.00	0.88		27.72	26.39	27.72	7.0%	3939.50	60548.78
Police Officer	2184	15	21.29	26.62	31.94	2.25	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.88		22.18	21.67	22.18	4.2%	1940.27	48437.63
Police Sergeant	2184	17	24.84	31.05	37.26	2.25	2.24	0.92	0.00	0.17	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.03		29.20	28.65	29.20	3.7%	2299.32	63767.56
Deputy City Administrator	2080	22	36.50	45.62	54.74	2.25	6.15	0.00	0.00	0.42	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.51		44.58	42.27	44.58	7.4%	6373.12	92734.10
Police Officer	2184	15	21.29	26.62	31.94	2.25	0.00	0.92	0.00	0.03	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.88		23.12	23.05	23.12	2.1%	1051.77	50497.36
Police Officer	2184	15	21.29	26.62	31.94	2.25	0.11	0.00	2.64	0.09	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.88		25.02	24.25	25.02	5.0%	2619.49	54636.91
																							3.7%	90842.51	
																								0.039877	

MINUTES, JUNE 2, 2016; 9:30 AM
CITY OF FAIR OAKS RANCH
7286 Dietz Elkhorn
Fair Oaks Ranch, TX 78015

I. ROLL CALL – DECLARATION OF A QUORUM

Council Members Present: Mayor Pro Tem Schmidt, Alderman Hartpence, Alderman Elizondo and Alderwoman Havard.

Having a quorum present, Mayor Manitzas called the Regular City Council meeting to order at 9:30 a.m.

II. OPEN MEETING

The Pledge of Allegiance was led by Dedie Manitzas, Fair Oaks Ranch Resident.

III. CITIZENS & GUEST FORUM / PRESENTATIONS

Bill Walker, 30120 Cibolo Oaks stated he attended to observe the drainage talks.

Ken Nichols, 30143 Cibolo Run expressed safety concerns on the raised cross walk and requested a four way stop.

Presentation/Discussion by Daryl Kirchner, Fair Oaks Ranch residents, regarding storm water drainage issues on Robin Dale/Intrepid Drive.

IV. CONVENE INTO CLOSED SESSION

Pursuant to Section 551.071 of the Open Meetings Act, Texas Gov't Code, a quorum of the governing body convened into closed session at 9:43 a.m. to Consultation with Attorney, on Storm Water Drainage issues.

V. RECONVENE INTO OPEN SESSION

City Council reconvened into open session at 10:26 a.m.

VI. CONSIDERATION ITEMS

A. Discussion and possible direction from Council of areas in the City affected by storm water drainage to include Legal Counsel.

Charlie Zech, City Attorney facilitated a PowerPoint presentation on the use of public funds, private individual/entity liability, governmental liability (negligence), governmental liability (takings), regulatory tools, regulatory funding, drainage responsibilities, and drainage easement maintenance. Mr. Zech provided a general over view of the law stating there is a restriction on municipalities utilizing public finds for a private purpose. Mr. Zech referenced a case study (Brazoria County v. Perry) which interprets the Texas Constitution; Article III; Section 52; bars the government, placing restrictions on counties and cities to gratuitously grant money to fund private use. Texas Water Code Section 11.806 states no person may divert or impound the natural flow of surface waters in this State, or permit a diversion in a manner that damages the property of another by the overflow of the water diverted or impounded; a person whose property is injured by an overflow of water caused by an unlawful diversion or impounding has remedies the law and in equity and may recover damages occasioned by the overflow. Negligence is something that governments can be accused of and be found liable. However, governments have immunity from claims. The Civil

Practice & Remedies Code; Chapter 101.021; states a governmental unit in the State is liable for property damage, personal injury, and death proximately caused by the wrongful act or omission or the negligence of an employee acting within his scope of employment if the property damage, personal injury, or death arises from the operation or use of a motor-driven vehicle or motor-driven equipment; and the employee would be personally liable to the claimant according to Texas law; and personal injury and death so caused by a condition or use of tangible personal or real property if the governmental unit would, were it a private person, be liable to the claimant according to Texas law. Physical Occupation, Exactions, Regulatory Takings and Inverse Condemnation are four forms of takings. Physical Occupation is where the City comes in and physically occupies your property. The law does not prohibit the City from taking your property but you must be paid fair market value for the use of the property and it should be used for a public purpose. Extractions is where the government through an enacted regulation requires somebody to pay money, or give land, or give up something in order to receive a permit or permission to do something. People who develop property are very familiar with this because often times in approving plats or large developments a government will require a developer to give the City part of their property in order to widen roads to handle the increased traffic. Regulatory Takings is the most complicated and occurs when the government over regulates to the point where it results in the taking of a property. Inverse Condemnation typically occurs when something happens to someone's property and the government should have gone through the inverse condemnation process to acquire the property but did not do so and as a result of that the land owner is forced to file an inverse condemnation suit to force the government to pay for whatever physical taking occurred. There are regulatory tools that a municipality can use for purposes of assisting and ensuring there is proper drainage throughout a community such as subdivision regulations, zoning regulations, building codes, and floodplain/drainage way management.

Ron Emmons, Public Works Director facilitated a PowerPoint presentation on storm water drainage issues, storm water management plan, typical drainage easement notes, known drainage issues (North & South Ranch Issues), and selected drainage issues. Mr. Emmons identified forty-seven known storm water drainage areas in the City 1) 341 Ammann Road, 2) 8472 Rolling Acres Trail, 3) 31872 Sunland, 4) 8040 Rolling acres Trail, 5) 7820 Rolling Acres Trail, 6) 7420 Rolling Acres Trail, 7) 8524 Rolling Acres Trail, 8) 31789 Sunland, 9) 31521 silver Spur Trail, 10) 31520 Meadow Creek Trail, 11) 9024 Jodphur Drive, 12) 31104 Furtoso Way, 13) 8609 Delta Dawn, 14) 31040 Meadow Creek Trail, 15) 8622 Delta Dawn 16) 30817 Man O War, 17) 7840 Silver Spur Trail, 18) 30820 Robin Dale Drive, 19) 7660 Intrepid Drive, 20) 30621 Sweetridge Circle, 21) 30120 Cibolo Oaks, 22) 30395 Ralph Fair Road, 23) 8402 Battle Intense, 24) 7745 Sweetwind Circle, 25) 7715 Fair Oaks Parkway, 26) 47 Falls Terrace, 27) 29358 Duberry Ridge, 28) 29534 No Le Hace Drive, 29) 8531 Alydar Circle, 30) 7900 Fair Oaks Parkway, 31) 29260 No Le Hace Drive, 32) 29314 Sumpter Drive, 33) 9002 Craigs Gate, 34) 29010 Tivoli Way, 35) 28907 Chartwell Lane, 36) 8410 Noble Lark Drive, 37) 7967 Turf Paradise Lane, 38) 7626 Rocking Horse Lane, 39) 9044 Fair Oaks Parkway, 40) 28337 Leslie Pfeiffer Drive, 41) 8426 Triple Crown, 42) 7740 Pimlico Drive, 43) 8312 Triple Crown, 44) 31988 Scarteen, 45) 8816 Jodphur, 46) 7644 Pimlico Lane, and 47) 29636 No Le Hace Drive.

B. Discussion and Direction to staff on retaining and/or eliminating the raised crosswalk on Battle Intense.

Scott Rubin, Police Chief stated this conversation has been going on for three years. The installation of the speed table three months ago was not a quick decision. There were many discussions about sidewalks, cross walks, stop signs, etc. Chief Rubin stated that a four way stop requires 200 units per hour for eight continuous hours. The Chief stated regulatory signs should

be used conservatively or they tend to lose their effectiveness. He stated one of the reasons he is opposed to a four way stop is because of the limited amount of traffic. The traffic that enters onto Battle Intense, from either Trailside, or Cibolo Trails is so sparse that cars driving down Battle Intense on a regular basis may just roll through the stop sign.

Council agreed to leave the raised sidewalk in place.

C. Approval of the Tree Removal and Preservation Plan for Front Gate Unit 9.

Adrian Garcia, Project Engineer stated on March 2016 a Preliminary Plat, subdividing Front Gate Unit 9, was submitted to the Public Works Department by Alamo Consulting Engineering and Surveying (ACES), Inc. As part of the preliminary plat process, ACES submitted a Tree Preservation and Protection Plan. This plan calls for the addition of six (6) trees of at least 2.5" caliper to replace the two (2) Heritage Trees to be removed.

MOTION: Made by Alderman Elizondo, seconded by Alderman Hartpence to approve the tree removal and preservation plan for Front Gate Unit 9.
DISCUSSION: None
VOTE: 4-0; Motion Passed

D. Approval of the final subdivision plat establishing Front Gate Unit 9.

Adrian Garcia, Project Engineer stated on March 2, 2016 a Preliminary Plat, subdividing Front Gate Unit 9, was submitted to the Public Works Department by Alamo Consulting Engineering and Surveying (ACES), Inc. This subdivision is 12.44 acres in area and contains 54 residential lots, two greenbelt lots, and one lot for a private street. After review and comments, ACES updated the Preliminary Plat and submitted a Final Plat on May 24, 2016 for consideration. The final plat of Front Gate Unit 9 has satisfied all requirements of the City Subdivision Ordinance.

MOTION: Made by Alderman Hartpence, seconded by Alderman Elizondo to approve the final subdivision plat establishing Front Gate Unit 9.
DISCUSSION: None.
VOTE: 4-0; Motion Passed

VII. REPORTS FROM STAFF / COMMITTEES / COUNCIL

1) Ralph Wiesepape, Project Manager provided Council with an update on the Public Safety Building stating the walk through is scheduled for June 13, 2016 and the guard rails will be installed in the near future to meet the ADA requirements.
2) Linda Coones, Interim Finance Officer provided Council with an updated budget calendar, financial report as of April 30, 2016 and the quarterly investment report as of March 31, 2016.
3) Council – Requests for City topic needing additional information/research; or, potential consideration for a future agenda.
    a) Alderwoman Havard – Discussion of the Sanitarian contract.
    b) Alderwoman Havard – Discussion on an Employee Recognition Program.
    c) Alderman Elizondo – Golf Cart Ordinance.

VIII. **ADJOURNMENT**

Mayor Manitzas adjourned the meeting at 1:08 p.m.

_____

Garry Manitzas, Mayor

ATTEST:

_____

P. Abrego, City Secretary

MINUTES, JUNE 16, 2016; 7:00 PM
CITY OF FAIR OAKS RANCH
7286 Dietz Elkhorn
Fair Oaks Ranch, TX 78015

I. ROLL CALL – DECLARATION OF A QUORUM

Council Members Present: Mayor Pro Tem Schmidt, Alderman Hartpence, Alderman Elizondo and Alderwoman Havard.

Having a quorum present, Mayor Manitzas called the Regular City Council meeting to order at 7:00 p.m.

II. OPEN MEETING

The Pledge of Allegiance was led Cheryl Landman, Former Mayor of Fair Oaks Ranch.

III. CEREMONIAL EVENT

A. Police Achievement Awards were presented to Sgt M. Toussaint, Sgt R. Davila, and Officer E. Downey by Chief Rubin and Mayor Manitzas.

B. A Life-Saving Award was presented to Officer M. Shultz by Chief Rubin and Mayor Manitzas.

IV. CITIZENS & GUEST FORUM / PRESENTATIONS

No Citizens signed up to be heard.

Presentation/Discussion by Dr. John Tracy, Director of Texas Water Resources Institute, Amy Uyen Truong, Extension Assistant of Texas Water Resources Institute, and Cheryl Landman, Former Mayor City of Fair Oaks Ranch regarding the Fair Oaks Ranch Water Policy Analysis which covered the outline, reports history, science panel review, final report highlights, key recommendations, and final thoughts.

V. CONSENT AGENDA

MOTION: Made by Alderwoman Havard, seconded by Alderman Elizondo to approve the May 5, 2016, Regular City Council Meeting Minutes and May 13, 2016, Special City Council Meeting Minutes.

VOTE: 4-0; Motion Passed

VI. CONSIDERATION/DISCUSSION ITEMS

A. Approval of Inland Pipe Rehabilitation proposal for the rehabilitation of three corrugated metal culverts, below Sweetwind Circle, for a total sum of $64,883 including a 10% contingency sum and authorizing the City Administrator to sign the contract.

Adrian Garcia, Project Engineer stated in March 2015, City staff targeted a culvert at Sweetwind Circle as a candidate for rehabilitation. The corrugated metal culvert contains large amounts of corrosion. Large holes can be seen on the surface of the structure which has comprised its structural integrity. One company submitted a proposal, through a purchasing co-operative, to rehabilitate the three (3) culverts that run below Sweetwind Circle. The rehabilitation treatment will consist of

a one-inch geopolymer spray lining that will re-establish structural integrity and provide a corrosion resistant layer inside the existing pipe.

MOTION: Made by Alderwoman Havard, seconded by Alderman Hartpence to approve the Inland Pipe Rehabilitation proposal for the rehabilitation of three corrugated metal culverts, below Sweetwind Circle, for a total sum of $64,883 including a 10% contingency sum and authorizing the City Administrator to sign the contract.
DISCUSSION: None
VOTE: 2-2; (Naye Alderman Hartpence and Havard); Mayor Manitzas voted aye breaking the tie 3-2; Motion Passed.

B. **Discussion on the prioritization of the Roadway Reconstruction Project.**
Ron Emmons, Public Works Director and Robert Solari, Pape-Dawson Engineers presented a PowerPoint presentation to Council covering the phase priorities, the basis for consideration, recommended phasing order, construction phase, updated simplified schedule, work update, and Intrepid/Robin Dale/The Fountains drainage issues.

C. **Approval of the Resolution authorizing the submission of a grant application to the Texas Water Development Board for funding assistance in the amount of $275,000.**
Ron Emmons, Public Works Director stated The Texas Water Development Board (TWDB) is accepting matching grant applications from political subdivisions in Texas that have the authority to plan for and implement projects related to flood protection. The purpose of this grant opportunity is to provide assistance to implement preventive and/or corrective measures for reducing the loss of life and property. This is a unique opportunity for the City to proactively enhance its high priority effort to assist our community with flood protection planning, responding to and recovering from floods, and alerting/protecting the community from loss of life. Applicants (political subdivisions) must have the authority to plan for and implement projects related to flood protection and projects awarded grant funding must be completed before December 31, 2017. The City of Fair Oaks Ranch has that planning and implementation authority and Staff does not anticipate problems complying with the project completion stipulation.

MOTION: Made by Alderman Elizondo, seconded by Mayor Pro Tem Schmidt to approve the Resolution authorizing the submission of a grant application to the Texas Water Development Board for funding assistance in the amount of $275,000.
DISCUSSION: None
VOTE: 4-0; Motion Passed

VII. CONVENE INTO CLOSED SESSION

Pursuant to Section 551.071 Consultation with Attorney, 551.072 Real Property, and Section 551.074 Personnel Matters of the Open Meetings Act, Texas Gov't Code, a quorum of the governing body convened into closed session at 8:43 p.m. to discuss Home Rule Commission Submissions and the Fair Oaks Ranch Homeowners Association Memorandum of Understanding (MOU) regarding the Cibolo Preserve.

VIII. RECONVENE INTO OPEN SESSION

City Council reconvened into open session at 9:54 p.m.

D. Review and discussion of applicants desiring to serve on the Fair Oaks Ranch Home Rule Charter Commission and, possible adoption of a Resolution appointing members to the Commission.

MOTION: Made by Alderman Elizondo, seconded by Alderman Hartpence to approve the following members (Frank Trapasso, Lawrence "Rich" Nichols, Tom Jaster, Conrad Fothergill, James McConnell, John Merritt, William Regan, Greg Maxton, Dale Pearson, David Delaranko and William Sparks) for the Home Rule Charter Commission with a deadline of February 1, 2017 to present a Home Rule Charter to Council.

DISCUSSION: Michelle Bliss, 8705 Jodphur offered to be considered to the Commission as an alternate member. Council stated at this time they decided not to go with any alternates.

VOTE: 4-0; Motion Passed

E. Discussion on work relationship with the Fair Oaks Ranch City Council, City Administrator, and City Staff.

Tobin Maples, City Administrator thanked City Council and the staff for selecting him and affording him this opportunity. Mr. Maples stated the City Administrator Ordinance defines his role and plans to follow that as a guideline. Should the City decide to go Home Rule, that role may or may not change to the role of a City Manager. He feels as the staff gets to know him process improvement and communication with Council will be improved.

IX. REPORTS FROM STAFF / COMMITTEES / COUNCIL

1) Carole Vanzant, Deputy City Administrator reported on the updated budget calendar and discussed the process of filling the City Council, Place 5 vacancy, announcing the City has received ten applications from interested parties and Mayor Manitzas has selected June 21, 2016, as a Special City Council meeting date to interview these candidates followed by a possible appointment.
2) Council – Requests for City topic needing additional information/research; or, potential consideration for a future agenda.

X. ADJOURNMENT

Mayor Manitzas adjourned the meeting at 10:00 p.m.

_____
Garry Manitzas, Mayor

ATTEST:

_____
P. Abrego, City Secretary

MINUTES, JULY 7, 2016; 9:30 AM
CITY OF FAIR OAKS RANCH
7286 Dietz Elkhorn
Fair Oaks Ranch, TX 78015

I. ROLL CALL

Council Members Present: Alderman Hartpence, Alderwoman Patel, Mayor Pro Tem Schmidt, Alderman Elizondo, and Alderwoman Havard.

Having a quorum present, Mayor Manitzas called the Regular City Council meeting to order at 9:30 a.m.

II. OPEN SESSION

The Pledge of Allegiance was led by Frank Trapasso, Fair Oaks Ranch Resident.

III. CITIZENS and GUEST FORUM

Frank Trapasso, 31820 Rolling Acres Trail stated to Council that he does not want to see a water treatment plant at the end of Rolling Acres Trail. He requested Council consider staying within the limits set by Kendall County (3 acres limits) and Cow Creek (86 homes).

IV. CONSENT AGENDA

MOTION: Made by Alderwoman Havard, seconded by Alderman Elizondo to approve the May 19, 2016 Regular City Council Meeting Minutes.

VOTE: 5-0; Motion Passed

V. CONSIDERATION/DISCUSSION ITEMS

A. Approval authorizing the Mayor to sign an amended agreement for solid waste collection services with BFI Waste Systems of Texas, LP, dba Republic Services of San Antonio for one year starting October 1, 2016.

Carole Vanzant, Deputy City Administrator announced in May 2015, City Council authorized a one-year extension of the Republic solid waste agreement which expires September 2016. As the bid process did not materialize as anticipated, an additional one year extension is being requested so to afford us the ability to produce a bid package with adequate information to allow bidders the ability to prepare complete and comprehensive proposals. The time will also provide an opportunity for bidders to visit our City to become familiar with our local conditions and to become familiar with any laws and regulations that may in any manner affect cost, progress, and performance of their work. Also, to secure the most overall advantageous service, City Council may wish to explore inclusion of additional options of solid waste service such as hazardous material pick up. Please note the extension changes no current service, and for the third year, no service cost increase.

MOTION: Made by Alderman Schmidt, seconded by Alderman Hartpence to authorize the Mayor to sign an amended agreement for solid waste collection services with BFI Waste Systems of Texas, LP dba Republic Services of San Antonio for one year starting October 1, 2016.

DISCUSSION: None

VOTE: 5-0; Motion Passed

B. Approval of Ordinance repealing the Fair Oaks Ranch Code of Ordinance, chapter 2 "Animal Control" Section 2.04.008 Entitled "Rental of Live Capture Traps" and Appendix A "Animal Fees" Article A1.000(E)(F)(G).

Scott Rubin, Police Chief asked Council to repeal the Fair Oaks Ranch Code of Ordinance, chapter 2 "Animal Control" Section 2.04.008 Entitled "Rental of Live Capture Traps" and Appendix A "Animal Fees" Article A1.000(E)(F)(G) as the City no longer has an adequate site for releasing these animals and no other usable site exists within the City.

MOTION:	Made by Alderman Elizondo, seconded by Alderwoman Havard to approve the Ordinance repealing the Fair Oaks Ranch Code of Ordinance, chapter 2 "Animal Control" Sections 2.04.008 Entitled "Rental of Live Capture Traps" and Appendix A "Animal Fees" Article A1.000(E)(F)(G).
DISCUSSION:	Alderwoman Patel inquired as to how many traps have been utilized this year. Chief Rubin announced twelve so far. Alderman Hartpence inquired if picking up residential traps was also included in this service. Chief Rubin responded yes. Alderman Hartpence added he was not aware the City provided this service until he saw it on the agenda and suspects it's the cause for the declining usage. Alderwoman Havard responded it's irrelevant as Police Officers should not be providing this service. Ken Nichols, 30143 Cibolo Run inquired about the cost for citizens to utilize a third party vendor for trapping and requested the City advertise this information to the residents.
VOTE:	5-0; Motion Passed

C. Approval of Resolution Removing and Appointing Directors to the Fair Oaks Ranch Municipal Development District (MDD) Board of Directors.

Al McDavid, MDD President proclaimed the MDD is a political subdivision of the State of Texas and the City of Fair Oaks Ranch in accordance with Chapter 377 of the Texas Local Government Code. It receives all proceeds from a ½ cent sales tax, approved in May 2011 by a vote of the citizens. The by-laws require two members from City Council be appointed to serve as members of the MDD Board of Directors. We appreciate the previous service of Alderman Damstra and former Alderman Manitzas, and recommend that Mayor Pro Tem Schmidt and Alderman Elizondo be appointed by Resolution.

MOTION:	Made by Alderman Hartpence, seconded by Alderwoman Patel to approve the Resolution Removing and Appointing Directors to the Fair Oaks Ranch Municipal Development District (MDD) Board of Directors.
DISCUSSION:	None
VOTE:	5-0; Motion Passed

D. Approval of Fair Oaks Ranch Municipal Development District's budget for fiscal year beginning October 1, 2016 and ending September 30, 2017.

Al McDavid, MDD President stated at the end of May 2016, proceeds were $450,159.16. Monthly deposits from the State Comptroller's Office average just over $12,000 per month, an increase of almost 20% compared to this time in 2015. No funds have been utilized to date, except the normal operating expenses in accordance with the 2016 approved budget. An audit by Armstrong, Vaughn, and Associates has been conducted annually since the MDD was formed.

MOTION:	Made by Mayor Pro Tem Schmidt, seconded by Alderman Hartpence to Approve the Fair Oaks Ranch Municipal Development District's budget for fiscal year beginning October 1, 2016 and ending September 30, 2017.
DISCUSSION:	None

VOTE: 5-0; Motion Passed

E. Discussion of creating an Employee Recognition Program.

Kim Stahr, Human Resources Specialist stated recognition has been shown to increase employee morale and help focus efforts on work habits that are important to the organization. Employees that feel valued are more engaged, and more likely to go above and beyond the daily responsibilities. Currently the City of Fair Oaks Ranch does not have a program to recognize outstanding employee performance, only years of service. The city acknowledges employees for when they reach 5, 10, and 15 years of service. A proposed method to recognize employee contributions is through an "Employee of the Quarter" program. Several recognition methods were discussed with final direction from Council approving Kim to move forward in creating several options to be brought back to Council.

VI. REPORTS FROM STAFF / COMMITTEES / COUNCIL

1. Tobin Maples, City Administrator reported to Council on TML Employee Benefit Plan Coverage Increases (medical 2%, Dental 9%, and Vision remain the same).
2. No requests were received from Council on City topics needing research, consideration, or additional information.

VII. CONVENE INTO CLOSED SESSION

Pursuant to Section 551.071, Consultation with Attorney, of the Open Meetings Act, *Texas Gov't Code,* a quorum of the governing body convened into closed session at 10:24 a.m. to consult with the City Attorney regarding Trio Residential Developers, Inc. application with Texas Commission on Environmental Quality in obtaining Permit No. WQ0015219001; SOAH Docket No. 582-16-0594; TCEQ Docket No. 2015-0841-MWD; and Cause No. 2016-CI-05444; the City of Fair Oaks Ranch, Texas vs R.W. Pfeiffer Properties, LLC.

VIII. RECONVENE INTO OPEN SESSION

City Council reconvened into open session at 10:52 a.m.

IX. ADJOURNMENT

Mayor Manitzas adjourned the meeting at 10:53 a.m.

_____

Garry Manitzas, Mayor

ATTEST:

_____

P. Abrego, City Secretary

MINUTES, JUNE 21, 2016; 6:00 P.M.
CITY OF FAIR OAKS RANCH
7286 Dietz Elkhorn
Fair Oaks Ranch, TX 78015

I. ROLL CALL and OPEN SESSION

Council Members Present: Alderman Elizondo, Mayor Pro Tem Schmidt, Alderman Hartpence, and Alderwoman Havard. Having a quorum present, Mayor Manitzas called the Special City Council meeting to order at 6:00 p.m.

II. CONVENE INTO CLOSED SESSION

Pursuant to Section 551.101 and Section 551.074; Personnel Matters, of the Open Meetings Act, Texas Gov't Code, a quorum of the governing body convened into closed session at 6:02 p.m. to interview candidates for the position of Alderman, Place 5.

III. RECONVENE INTO OPEN SESSION

City Council reconvened into open session at 9:28 p.m.

A. Approval of appointing a candidate to fill the Alderman, Place 5 vacancy until May 2017.

MOTION: Made by Alderman Elizondo, seconded by Alderman Hartpence to appoint Snehal Patel to Alderman, Place 5.

DISCUSSION: Council expressed their gratitude to the candidates acknowledging their qualifications and highly encouraging them to volunteer for upcoming city committees as their talents can be used.

VOTE: 4-0; Motion Passed

V. ADJOURNMENT

Mayor Manitzas adjourned the meeting at 9:30 p.m.

_____
Garry Manitzas, Mayor

ATTEST:

_____
P. Abrego, City Secretary

MINUTES, JUNE 30, 2016; 9:30 A.M.
CITY OF FAIR OAKS RANCH
7286 Dietz Elkhorn
Fair Oaks Ranch, TX 78015

I. **ROLL CALL and OPEN SESSION**

Council Members Present: Alderman Elizondo, Mayor Pro Tem Schmidt, Alderman Hartpence, Alderwoman Patel and Alderwoman Havard.

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

II. **ACTION ITEM**

A. **Approval of Resolution 2016-13 authorizing the intent of the City of Fair Oaks Ranch to join and participate in the Pace Purchasing Cooperative and authorizing the City Administrator to sign interlocal agreement.**

Scott Rubin, Police Chief stated it's the intent of the City to join and participate in the PACE Purchasing Cooperative, being organized and administered by the Education Service Center, Region 20; and authority for this commitment is authorized by Article 791.011 Texas Interlocal Cooperation Act as amended and would allow for substantial savings to be realized by volume purchasing of specific commodity items such as furnishing the Public Safety Building.

MOTION:	Made by Alderman Hartpence, seconded by Mayor Pro Tem Schmidt to approve Resolution 2016-13 authorizing the intent of the City of Fair Oaks Ranch to join and participate in the Pace Purchasing Cooperative and authorizing the City Administrator to sign the interlocal agreement.
DISCUSSION:	None.
VOTE:	5-0; Motion Passed

III. **DISCUSSION ITEMS**

A. **Discussion of prioritizing FY 2017 City Council goals and objectives.**

Tobin Maples, City Administrator facilitated the first budget workshop discussing goals/ objectives, services, and committees.

Goal #1:	Communication
Objectives:	Engagement, leverage technology, database tools, presenting timely information, develop customer service tools, link website media, and update the website.
Goal #2:	Growth Management
Objectives:	Comprehensive plan, home rule, subdivision rules, zoning, water/wastewater/storm water, and regionalization.
Goal #3:	Public Safety (Police, Fire, EMS)
Objectives:	Assess emergency levels/service levels and community policing.
Goal #4:	Community Enhancements/Quality of Life
Objectives:	Manage growth to City, ongoing beautification, citizen volunteers, enhanced citizen outreach, and community center.
Goal #5:	Financial Integrity

Objectives:	Reserve study, budget enhancements, austere budget, utility rates, and property tax rate.
Goal #6:	Strategic Plan
Objectives:	Intergovernmental relations, ordinance review, and review the Cities mission statement.
Goal #7:	CIP/Drainage
Objectives:	Long Term: Develop a master drainage plan, Ralph Fair Bridge, and fire hydrants. Short Term: Responsibility.
Services:	Police department, water/wastewater treatment center, public works, parks, municipal court, economic development, and community development.
Committees:	Comprehensive plan steering committee, communication strategy, strategic planning, home rule, wildlife education, capital improvement advisory committee (CIAC), municipal development district (MDD), historian, finance/investments, Fair Oaks Ranch Homeowners Association (FORHA), rotary, and water districts.

B. Reconfirm Calendar Budget Dates.

Tobin Maples, City Administrator explained the next steps in the budget process and reconfirmed the calendar Budget Dates with Council.

V. ADJOURNMENT

Mayor Manitzas adjourned the meeting at 1:15 p.m.

_____

Garry Manitzas, Mayor

ATTEST:

_____

P. Abrego, City Secretary

MINUTES, JULY 14, 2016; 9:30 A.M.
CITY OF FAIR OAKS RANCH
7286 Dietz Elkhorn
Fair Oaks Ranch, TX 78015

I. ROLL CALL and OPEN SESSION

Council Members Present: Alderman Elizondo, Mayor Pro Tem Schmidt, Alderman Hartpence, and Alderwoman Patel.

Council Members Absent: Alderwoman Havard.

Having a quorum present, Mayor Manitzas called the Special City Council meeting to order at 9:31 a.m.

III. DISCUSSION ITEMS

A. Discussion on finalized City Council goals and objectives.

City Council reviewed and finalized the goals/objectives.

Goal #1:	Communication
Objectives:	Citizen Engagement, leverage technology, database tools (obtaining contact information), presenting timely information, develop web based customer service tools, link website media, and modernize/update the website.
Goal #2:	Growth Management
Objectives:	Comprehensive plan, home rule, subdivision rules, zoning, water/wastewater/storm water, and regionalization (involvement in Groups).
Goal #3:	Public Safety (Police, Fire, EMS)
Objectives:	Assess emergency levels/service levels and community policing. Invest time and effort in assessing all departments.
Goal #4:	Community Enhancements/Quality of Life
Objectives:	Manage growth in the City, zoning/planning, ongoing beautification, citizen volunteers, citizen education, enhanced citizen outreach, and community center.
Goal #5:	Financial Integrity
Objectives:	Reserve study, budget enhancements, austere budget, utility rate analysis, and property tax rate. Create performance targets/peer comparisons with a forward looking view.
Goal #6:	Strategic Plan
Objectives:	Intergovernmental relations, strategic ordinance review, and review the Cities mission and vision statement.
Goal #7:	CIP/Drainage
Objectives:	Long Term: Develop a master drainage plan, Ralph Fair Bridge, and fire hydrants. Short Term: Responsibility.
Services:	Police department, water/wastewater treatment center, public works, parks, municipal court, economic development, and community development.

Committees: Comprehensive plan steering committee, communication strategy, strategic planning, home rule, wildlife education, capital improvement advisory committee (CIAC), municipal development district (MDD), historian, finance/investments, Fair Oaks Ranch Homeowners Association (FORHA), rotary, and water districts.

B. Discussion of the proposed FY2016-17 budgets.

Each Department Head met with Council presenting their budget requests. Scott Rubin, Police Chief requested an additional Police Officer doing the duties of an Investigator, the reclassification of a Sergeant to a Lieutenant, and the reclassification of a Police Officer to an Investigator. Jim Earl, Building Codes requested to reclassify the Building Codes Administrative Clerk to Building Codes Administrative Assistant. Adrian Garcia and Julio Colunga, Public Works are requesting mowers, welding equipment, plasma equipment, a mosquito forger, to replace the backhoe (20years old), an attachment for the skid steer, a portable pump (emergency cases), two new F250 trucks, lift station pump, back-up generator, and a new position in Public Works (program coordinator). Alderman Elizondo expressed long term and system growth concerns. In addition, he would like to see regulatory items in the budget. Alderman Hartpence would like to review information from studies (Freese and Nichols) brought to Council, with a detailed list of projects, to assist with informed budgetary decisions for projects. Alderman Elizondo and Alderwoman Patel agreed and would also like to review the risk. Mayor Manitzas inquired as to why the drainage line item increased. Julio Colunga responded it's to issues that may arise. Priscilla Abrego, City Secretary requested an Administrative Assistant and electronic and a paperless filing system. Linda Coones, Interim Finance Officer requested to reclassify the Finance Assistant to Accounts Payable Specialist.

C. Reconfirm Calendar Budget Dates.

Tobin Maples, City Administrator explained the next steps in the budget process, reconfirmed Budget dates with Council, and reviewed a proposed Fair Oaks Ranch planning and Priority Timeline.

V. ADJOURNMENT

Mayor Manitzas adjourned the meeting at 4:03 p.m.

_____

Garry Manitzas, Mayor

ATTEST:

_____

P. Abrego, City Secretary

CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

AGENDA WORDING: Consideration of granting or refusing the SF Fair Oaks Development, LLC Annexation Petition of 145.4 acres of land into the City of Fair Oaks Ranch, Bexar and Comal Counties

START/END DATE: Upon Council Action

DEPARTMENT: City Council

PRESENTED BY: Mayor

INTRODUCTION/BACKGROUND:

Local Government Code Sec. 43.028. AUTHORITY OF MUNICIPALITIES TO ANNEX SPARSELY OCCUPIED AREA ON PETITION OF AREA LANDOWNERS states *"This section applies only to the annexation of an area: (1) that is one-half mile or less in width; (2) that is contiguous to the annexing municipality; and (3) that is vacant and without residents or on which fewer than three qualified voters reside. The owners of the area may petition the governing body of the municipality in writing to annex the area. The petition must describe the area by metes and bounds and must be acknowledged in the manner required for deeds by each person having an interest in the area. After the 5th day but on or before the 30th day after the date the petition is filed,* ***the governing body*** *shall hear the petition and the arguments for and against the annexation and* ***shall grant or refuse the petition as the governing body considers appropriate.*** *If the governing body grants the petition, the governing body by ordinance may annex the area."*

City Council, in February 2106, approved a Development Agreement between the City and Scott Felder Homes for development of the 145.4 acre tract. Article 5 of the Agreement provides the Developer "agrees to the voluntary annexation of the Property". Prior to approving the Development Agreement, discussions of the development were held at the following City Council meetings: January 7, 21, February 4 and 18, 2016. In addition, several meetings have been held with representatives of Scott Felder Homes, City officials and FORHA officials regarding the donation of the 75 acres beyond the 18 acre buffer zone.

The requirements of item 1 of the law has been confirmed by the city's GIS technician, item 2 has been confirmed by legal and the city's GIS technician and item 3 has been confirmed by the land owner. The Petition was submitted in writing on June 22, 2016, it described the tract by metes and bounds, and the City Council held a public hearing to hear the Petition and the arguments for and against the annexation.

Next step is for the City Council to grant or refuse the Petition.

POLICY ANALYSIS/BENEFITS TO CITIZENS:

1. Complies with Article 5 of the Development Agreement between the City and Scott Felder Homes.
2. Provides management of land use
3. Provides for orderly development
4. Maintains consistency for public health, welfare and safety measures through enforcement of City Ordinances
5. Incremental ad valorem property tax roll additions as incremental residential properties are completed

FINANCIAL IMPACT:

Immediate unfunded impact is Public Safety services. Long term impact will be paid through ad valorem property tax.

LEGAL:

N/A

PROPOSED MOTION:

I *grant or refuse* the SF Fair Oaks Development, LLC annexation petition.

CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

AGENDA WORDING:	Consideration of Ordinance annexing 145.4 acres of land into the City of Fair Oaks Ranch, Bexar and Comal Counties
START/END DATE:	August 1, 2016
DEPARTMENT:	City Council
PRESENTED BY:	Mayor

INTRODUCTION/BACKGROUND:

Local Government Code Sec. 43.028. AUTHORITY OF MUNICIPALITIES TO ANNEX SPARSELY OCCUPIED AREA ON PETITION OF AREA LANDOWNERS states *"This section applies only to the annexation of an area: (1) that is one-half mile or less in width; (2) that is contiguous to the annexing municipality; and (3) that is vacant and without residents or on which fewer than three qualified voters reside. The owners of the area may petition the governing body of the municipality in writing to annex the area. The petition must describe the area by metes and bounds and must be acknowledged in the manner required for deeds by each person having an interest in the area. After the 5th day but on or before the 30th day after the date the petition is filed, the governing body shall hear the petition and the arguments for and against the annexation and shall grant or refuse the petition as the governing body considers appropriate.* ***If the governing body grants the petition, the governing body by ordinance may annex the area."***

The Annexation Petition was submitted in writing on June 22, 2016, it described the tract by metes and bounds, and the City Council held a public hearing to hear the Petition and the arguments for and against the annexation. After hearing the Petition, the City Council voted to grant the Petition. **Next step is for City Council to approve an Ordinance annexing property into the City of Fair Oaks Ranch.**

POLICY ANALYSIS/BENEFITS TO CITIZENS:

1. Provides management of land use
2. Provides for orderly development
3. Maintains consistency for public health, welfare and safety measures through enforcement of City Ordinances
4. Incremental ad valorem property tax roll additions as incremental residential properties are completed

FINANCIAL IMPACT:

Immediate unfunded impact is Public Safety services. Long term impact will be paid through ad valorem property tax.

LEGAL:

N/A

RECOMMENDATION:

I move to approve an Ordinance annexing 145.4 acres into the City of Fair Oaks Ranch as described in the Annexation Petition by SF Fair Oaks Development LLC

ORDINANCE NO. 2016-xx

ANNEXING THE HEREINAFTER DESCRIBED TERRITORY INTO THE CITY OF FAIR OAKS RANCH, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY

WHEREAS, Chapter 43 of the Texas Local Government Code, authorizes the City of Fair Oaks Ranch, an incorporated city, the annexation of territory, subject to the laws of this state.

WHEREAS, the procedures prescribed by the Texas Local Government Code 43.028, and the laws of this state have been duly followed with respect to the following described territory, to wit:

145.4 acre tract of land out of the Maria de la Luz Guerra Survey No. 172, Abstract 257 and 173, partially in Bexar and Comal Counties, Texas, and being the remaining portion of 154.12 acre tract land conveyed to David Owens, in a Partition Deed of record in Volume 9675, Page 2082 of the Official Public Records of Bexar County, Texas and Document No. 200206038282 of the Official Public Records of Comal County, Texas and as further described as attached.

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

1. That the heretofore described property is hereby annexed to the City of Fair Oaks Ranch, Texas, and that the boundary limits of the City of Fair Oaks Ranch be and the same are hereby extended to include the above described territory within the city limits of the City, and the same shall hereafter be included within the territorial limits of said city, and the inhabitants thereof shall hereafter be entitled to all rights and privileges of other citizens of the City of Fair Oaks Ranch and they shall be bound by the acts, ordinances, resolutions, and regulations of said city.

2. The City Secretary is hereby directed to file with the County Clerks and other appropriate officials and agencies, as required by state and federal law, a certified copy of this Ordinance.

3. Effective date of the annexation shall be August 1, 2016.

PASSED, APPROVED AND ADOPTED this the 21st day of July, 2016.

_____
Garry Manitzas, Mayor

ATTEST:

_____
P. Abrego, City Secretary

APPROVED AS TO FORM:

_____
Charles E. Zech, City Attorney

PETITION FOR ANNEXATION
OF LAND INTO THE CITY OF FAIR OAKS RANCH

TO THE HONORABLE CITY COUNCIL, CITY OF FAIR OAKS RANCH, TEXAS:

That we, **SF Fair Oaks Development, LLC**, owner of the land described below by metes and bounds and being contiguous and adjacent land and territory to the present corporate limits of the City of Fair Oaks Ranch, Texas, hereby request annexation of the described land into the City of Fair Oaks Ranch. We understand that the request does not necessarily mean that the land will be annexed, but that the City will consider the request based upon requests received from other land owners and an evaluation of services to be provided.

Name: SF Fair Oaks Development, LLC

Address: 8200 North Mopac, Suite 300
Austin, Texas 78759

LEGAL DESCRIPTION, PLAT AND METES AND BOUNDS:

A 145.4 acre tract of land out of the Maria De La Luz Guerra Survey No. 172, Abstract 257 and 173, partially in Bexar County and Comal County, Texas, and being the remaining portion of a 154.12 acre tract of land conveyed to David A. Owens, described by Exhibit B, in a Partition Deed of record in Volume 9675, Page 2082 of the Official Public Records of Bexar County, Texas, and Document No. 200206038282 of the Official Public Records of Comal County, Texas, and being more particularly described by metes and bounds on Exhibit "A" attached hereto, along with a Concept Plan covering the property, which plan is attached hereto as Exhibit "B".

Wherefore, petitioners respectfully request that the hereinabove described land be forthwith incorporated into and become a part of the territory of the municipal corporation of the City of Fair Oaks Ranch, Bexar County, Texas.

Respectfully submitted,

SF Fair Oaks Development, LLC

By: _____
Name: C.A. ELDER
Title: V. Pres.

06-24-16P02:48 RCVD

STATE OF TEXAS
COUNTY OF BEXAR

BEFORE ME, the undersigned authority, on this day personally appeared C.A. Elder, who having knowledge of the facts contained herein acknowledge to me that he executed the same for the purposes and consideration therein expressed, on this 22nd day of June, 2016.

Billie Juarez
Notary Public

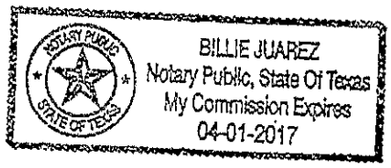


EXHIBIT A
DESCRIPTION OF PROPERTY

KFW SURVEYING

FIELD NOTES
FOR
A 145.4 ACRE TRACT

A 145.4 acre tract of land, out of the Maria De La Luz Guerra Survey No. 172, Abstract 257 and 173, partially in Bexar County and Comal County, Texas and being the remaining portion of a 154.12 acre tract of land conveyed to David A. Owens, described by Exhibit B, in a Partition Deed of record in Volume 9675 Page 2082 of the Official Public Records of Bexar County, Texas and Document No. 200206038282 of the Official Public Records of Comal County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a found ½" iron rod with a red plastic cap stamped "CUDE" in the east right-of-way line of F.M. 3351, a 100' wide right-of-way also known as Ralph Fair Road, for the southwest corner of a 19.214 acre tract of land described in Volume 16848 Page 0003 and Page 0006 of the Official Public Records of Bexar County, Texas, for the northwest corner of the Owens 154.12 acre tract and the tract described herein, from which a found Texas Department of Transportation Type I right-of-way monument in the east right-of-way line of Ralph Fair Road and the west line of the 19.214 acre tract bears, N 00° 29' 02" W, a distance of 476.57 feet;

THENCE: N 89° 34' 37" E, departing the east right-of-way line and along and with the common line between the 19.214 acre tract and the Owens 154.12 acre tract, a distance of 1241.86 feet to a point for a southwest exterior corner of a 154.12 acre tract of land conveyed to Bradley M. Kohls and Cheryl Ann Clemons, described by Exhibit C, in said Partition Deed, a north exterior corner of the Owens 154.12 acre tract, and the tract described herein, from which a found ½" iron rod with a red plastic cap stamped "CUDE" (bent) bears, S 70° 16' 27" E, a distance of 0.20 feet;

THENCE: Along and with the common line between the Owens 154.12 acre tract and the Kohls 154.12 acre tract, the following four (4) courses:

1. S 70° 16' 27" E, a distance of 460.19 feet to a set PK nail with washer stamped "KFW SURVEYING" for an interior corner of the tract described herein,
2. S 89° 40' 41" E, a distance of 569.78 feet to a found ½" iron rod with a red plastic cap stamped "CUDE" for an interior corner of the tract described herein,
3. N 00° 28' 12" W, a distance of 846.89 feet to a set PK nail with washer stamped "KFW SURVEYING" for a north exterior corner of the tract described herein, and
4. N 89° 31' 48" E, a distance of 1442.24 feet to a found ½" iron rod with a red plastic cap (unreadable) for the northeast corner of the tract described herein;

THENCE: S 08° 10' 23" W, along and with the east line of the Owens 154.12 acre tract, a distance of 1908.41 feet to a found ½" iron rod with a plastic cap (unreadable) for the northeast corner of a 159.74 acre tract of land conveyed to the Corley Family L.L.C., described by Exhibit A in said Partition Deed, the southeast corner of the Owens 154.12 acre tract and the tract described herein;

THENCE: Along and with the common line between the Corley 159.74 acre tract and the Owens 154.12 acre tract, the following nine (9) courses:

1. S 45° 27' 28" W, a distance of 398.81 feet to a set ½" iron rod with a blue plastic cap stamped "KFW SURVEYING" for an exterior corner of the tract described herein,
2. S 70° 22' 00" W, a distance of 365.51 feet to a point for an exterior corner of the tract described herein, from which a found ½" iron rod with a red plastic cap stamped "CUDE" (bent) bears, N 74° 23; 10" E, a distance of 0.64 feet,
3. N 88° 07' 59" W, a distance of 258.24 feet to a found ½" iron rod with a plastic cap (unreadable) for an exterior corner of the tract described herein,
4. N 75° 21' 33" W, a distance of 395.09 feet to a found ½" iron rod with a red plastic cap stamped "CUDE" for an exterior corner of the tract described herein,
5. N 64° 05' 39" W, a distance of 409.65 feet to a found ½" iron rod for an exterior corner of the tract described herein,
6. N 44° 45' 49" W, a distance of 441.52 feet to a found ½" iron rod with a red plastic cap stamped "CUDE" for an interior corner of the tract described herein,
7. S 67° 21' 29" W, a distance of 189.78 feet to a found ½" iron rod with a red plastic cap stamped "CUDE" for an interior corner of the tract described herein,
8. S 51° 01' 46" W, a distance of 557.40 feet to a found ½" iron rod with a red plastic cap stamped "CUDE" for an interior corner of the tract described herein, and
9. S 02° 59' 24" W, a distance of 345.30 feet to a red plastic cap stamped "MATKIN HOOVER" for the northeast corner of an 8.750 acre tract of land conveyed to Stemen & Co., L.L.C., of record in Volume 14036 Page 405 of the Official Public Records of Bexar County, Texas and a southeast exterior corner of the tract described herein, from which a found ½" iron rod with a red plastic cap stamped "CUDE" for a southeast exterior corner of the Owens 154.12 acre tract and an interior corner of the Corley 159.74 acre tract bears, S 02° 59' 24" W, a distance of 331.85 feet;

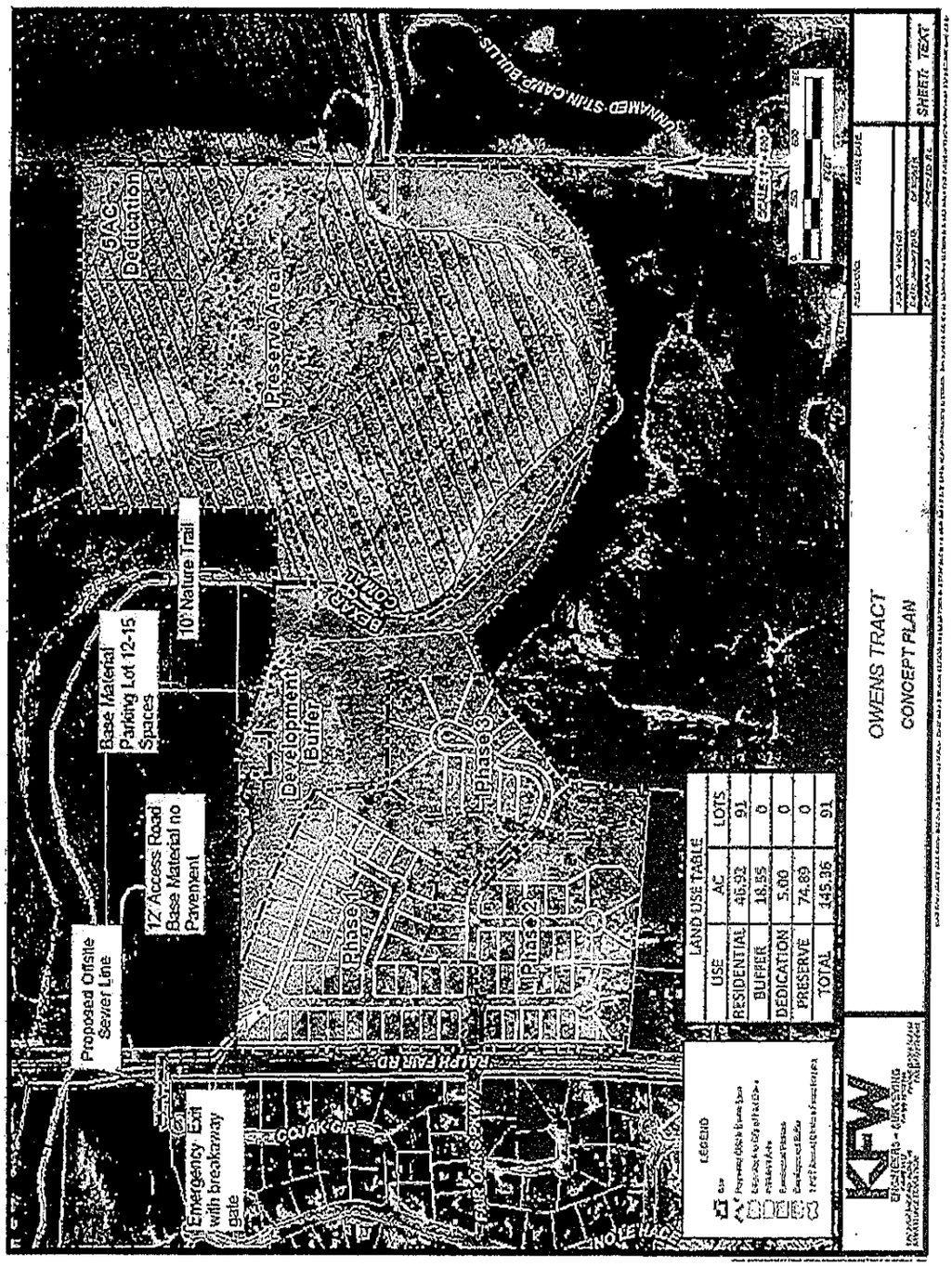
THENCE: N 85° 26' 51" W, along and with the north line of the 8.750 acre tract, a distance of 1098.71 feet to a found ½" iron rod in the east right-of-way line of Ralph Fair Road, in the west line of the Owens 154.12 acre tract, for the northwest corner of the 8.750 acre tract and the southwest corner of the tract described herein;

THENCE: Along and with the east right-of-way line of Ralph Fair Road and the west line of the Owens 154.12 acre tract, the following two (2) courses:

1. With a non-tangent curve to the left having a radius of **5779.58** feet, a delta angle of **03° 27' 01"**, an arc length of **348.04** feet and a chord bears, **N 01° 13' 29" E**, a distance of **347.99** feet to a found 1" iron square for a point of tangency of the tract described herein, and
2. **N 00° 30' 01" W**, a distance of **1334.26** feet to the **POINT OF BEGINNING** and containing **145.4 acres** situated partially in Bexar County and Comal County, Texas and being described in accordance with a survey prepared by KFW Surveying. Bearings are based on NAD83 (2011) Texas State Plane South Central Zone, 4204. Distances recited herein are surface distances using an average combined scale factor of 0.99982917988.

Job No.: 15-133
Prepared by: KFW Surveying
Date: November 2, 2015
File: S:\Draw 2015\15-133 FM 3351 145 Acres\DOCS\FN – 145.4 AC

EXHIBIT B
CONCEPT PLAN



February ___, 2016