

**From the Mayor's Desk  
January 2020**

**Planning and Zoning Commission (P&Z)**

P&Z met in their Regular Meeting on December 12<sup>th</sup>. They completed several business items in this meeting:

- Approved a Tree Preservation Plan for Front Gate Unit 5
- Approved a preliminary plat establishing Front Gate Unit 5
- Discussed recommended changes to the Planning and Zoning Rules of Procedure

These items will be brought to City Council for final approval in January.

**Zoning Board of Adjustment**

ZBOA has not had a need to meet since the last report.

**Water Rights Project**

The most significant issue facing our city at the moment is a dispute over the ownership rights to water and easements around our city wells. We have continued down the path of resolving these issues. We have received completed Right of Access documents from over half of the impacted property owners to allow access to surveyors and appraisers to do their work.

If the property owner does not execute these documents, the City will be forced to file an injunction to require the property owners to allow the consultants on the affected lots. We will take this action if necessary. Our legal counsel has advised that right of entry is a common law right given to the condemning authority as a part of the condemnation process.

We have received completed legal documentation from a number of Sanitary Control Easement property owners and a few of the property owners who have wells on their property. I will remind you that for property owners who do not wish to voluntarily ratify and convey easements, the City will take steps to condemn the easements and the groundwater. Condemnation is a well-defined legal process for acquiring ownership of personal property for a public use.

The Special Counsel, acting on authority granted by the City Council, has engaged Pape-Dawson to survey all the easements and well sites. Special Counsel has also engaged Glen Co., Inc. to appraise the easements and groundwater as part of the condemnation process. The City plans to survey all of the well sites and easements to ensure that we have accurate legal descriptions of these properties filed of record. Documentation with the new metes and bounds description will be filed in the deed records of the applicable county to replace any older descriptions.

We anticipate that affected residents will begin seeing these engaged consultants doing their work in January. We are making every attempt to notify the impacted residents when the consultants will be on site to do their work.

As I mentioned last month, no elected official or municipal staff person is ever happy about having to engage in condemnation proceedings. However, the City Council has taken the position that our responsibilities lie in protecting the water supply for all of our residents, not just in considering the concerns of a small number of residents who happen to have a well or a sanitary control easement on their property. That is why our City Council has taken formal action to approve condemnation proceedings, where necessary.

I will remind everyone that the burden for both legal costs and any settlements reached will fall squarely on the water utility rate payers. We are much too early in the process to be predicting the ultimate impact, but the opportunity exists for it to be a very costly consequence. The driver for the city acting quickly on this issue was, in particular, the Calderolas, through their attorney, filing what we viewed as an inappropriate claim with TCEQ. This escalated the situation to one that must be dealt with immediately. Our current City Council has always taken the position that we deal with issues rather than “kicking the can down the road.” This situation is no different.

We had a Town Hall meeting at Cibolo Creek Community Church on November 19th. We did about 40 minutes’ worth of presentations from me, Tobin Maples our City Manager, and Rhonda Jolley and Joe Davis from the Branscomb law firm. We then spent about an hour and a half answering questions. The meeting was video-taped and you can access the meeting on our website or our Facebook page if you want to see the comments made. On our website you can click on the banner heading that shows the water drop. In addition to the video, you can access the updated Q & A document we have posted to give you an update on this topic.

Tobin Maples asks anyone needing to discuss specific issues with him to please call him at City Hall at 210-698-0900 or email him at [tmaples@fairoaksranchtx.org](mailto:tmaples@fairoaksranchtx.org). Additionally, our Special Legal Counsel is available to answer questions (Rhonda Jolley at 210-598-5406 or Joe Davis at 210-598-5414).

### **Development of Boerne Ranch Estates (Formerly Pfeiffer Tract/The Reserve)**

The developer has come back to the city with an updated development plan, but we are not yet at the point to warrant another public viewing of a plan. I will keep this item as a recurring topic in the monthly newsletter because I know it is important to everyone.

### **Elevated Storage Tank**

Ryan Sowa, P.E. and his associates from Kimley-Horn and Associates presented their report at the November 21<sup>st</sup> council meeting. Council approved Site B, a 5.3 acre site in Comal County that is owned by Boerne Ranch Estates LLC. This site is the

furthest from existing development and is near an existing 24 inch GBRA water line which will facilitate an additional GBRA delivery point to the site. A portion of this tract is identified in the Water Master Plan as the future site of Plant #6 Pump Station. This could make possible locating the elevated storage tank and pump station within the same site. These location decisions are difficult and we had a split vote on this site with a couple of other sites being favored by a couple of council members.

Council also selected the composite style of tank. This was an easier decision with a unanimous choice. Engineering design is expected to be completed by August 2020 with construction to begin around November 2020. Construction time for a project of this magnitude is about a year, so that would indicate completed construction around November 2021.

### **Council Authorizes Agreement for General Engineering Consultant (GEC) Services**

At its November 21<sup>st</sup> Regular Meeting, the council authorized the City Manager to sign a Professional Service Agreement with Legacy Engineering Group to provide GEC services for the city. As the GEC, Legacy Engineering Group will report directly to the Director of Public Works and will oversee the planning, design, and construction of the adopted Capital Improvement Program and other specialty projects as assigned by the city. The GEC will perform overall program management and administration of the agreement and invoicing.

### **Backflow Prevention Program Update**

The city's required backflow prevention program is off to a good start. As of December 18<sup>th</sup>, the City has received 314 backflow test and maintenance reports. I am pleased to report that the backflow preventer at our house did pass! Please remember that the deadline for initial testing is September 30, 2020. If you have not yet tested your backflow prevention assembly and have questions, please contact the City's Environmental Compliance Manager at 210-698-0900.

### **Council Forms Audit Committee**

At its November 21<sup>st</sup> Regular Meeting, city council took action to form an audit committee as a means for better ensuring that the City Council maintains awareness of the effectiveness of risk management, internal control and financial reporting and responds to risks and events in a timely and appropriate manner. The council selected Mayor Garry Manitzas, Mayor Pro Tem Roy Elizondo, and Council Member Greg Maxton as the initial Audit Committee members. Council also approved a charter for the Audit Committee.

### **Feral Hog Safety Tips**

Some of you are aware that we have begun seeing some signs of feral hog activity again. The most frequent observations seem to be on the east side of Ralph Fair Road in the areas adjacent to Camp Bullis. Our police officers have recently checked

this area and have found some signs of hog activity. Our police officers have also observed a few of them crossing to the west side of Ralph Fair Road at night.

Through our Wildlife Education Committee, we are investigating doing a limited time trapping operation again. I am approaching FORHA and the Country Club to see if we can do a joint operation since all three entities have common concerns.

Please remember that these are wild animals. They are very strong and can run very fast. Females are very protective of their young. Males can be territorial and may see you as an intruder. They will generally try to avoid contact with humans and will normally run away if they have a route they can take to do that. "Bubba" Ortiz from Ortiz Game Management LLC offers these tips if you encounter a feral hog:

- Stay calm and move slowly away from the animal. Do not approach it or attempt to feed the hog. Back away from the animal and do not turn your back on it.
- **Always make sure you have a way out as well. Do not put yourself in a position where escape is impossible or difficult.**
- Keep a safe distance and do not approach or provoke the hog, i.e. by using a flash while taking pictures of it. The longer you are in close proximity to feral hogs, the more anxious, nervous or aggressive they may get. Don't risk being around them.
- If you see adults with young piglets, leave them alone!

### **Mike Koerner – Volunteer Firefighter of the Year**

Mike Koerner was recently recognized as the Volunteer Firefighter of the Year for the Leon Springs Volunteer Fire Department. Mike is the husband of City Council Member Laura Koerner. Our community depends on this volunteer fire department for public safety and we are very proud of Mike for achieving this recognition. Job well done!

### **Resident Volunteers/City Staffers at Work**

- Our city Facebook page is continuing to attract readers. For those of you who are Facebook fans you can find us at City of Fair Oaks Ranch, TX. Our page is used for sharing information about the city, but it is not a public forum. The page is monitored and objectionable or off topic material will be removed. We currently have 1,773 followers. We have had 1,560 likes recently and reached as many as 2,052 members during the past month.
- The city and FORHA staged a joint event on December 8<sup>th</sup> for kids to visit with Santa and light the city's new outdoor tree. Jennifer Stannard and her husband Bill provided *pro bono* refreshments from their company, Tin Can Custard Co. We also had a group of ladies leading holiday songs for the kids. Santa and Mrs. Claus, along with two elves, arrived at the event riding on top of a Leon Springs Volunteer Fire Department brush truck with an FOR police escort. A large number of families attended the event with their children.

The youngest child seeing Santa for the first time was one month old with a four-month-old child also having a first visit. Mrs. Claus kept a close eye on Santa to make sure he remembered how to properly hold these infants!

Best wishes for the New Year for all of you and your families from Dedie and me.

Garry Manitzas  
Mayor – Fair Oaks Ranch