

From the Mayor's Desk
May 2020

Planning and Zoning Commission

The P&Z Regular meeting was held on March 12, 2020. The P&Z recommended approval of a Preliminary Plat establishing Elkhorn Ridge Unit 5.

Zoning Board of Adjustment

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

Golf Courses and Tennis Courts

Most of you are aware that by Executive Order of Bexar County Judge Nelson Wolff, the Fair Oaks Ranch Golf courses and tennis courts were closed for golf and tennis play. Neither our city elected officials, our city staff, nor the management of Fair Oaks Ranch Golf and Country Club were consulted on this decision. I literally learned about it at the same time it was being presented on the evening news.

Following substantial pushback from the golfing community and some elected officials, the state Attorney General's office issued letter guidance on conditions under which private courses could allow limited play. Following this guidance, Judge Wolff issued a Supplemental Executive Order, which allowed the private clubs in Bexar County (including ours) to re-open for limited play under the AG rules. This was a good decision.

Our Club management had already begun having to deal with the unintended consequences of the decision to close the course. A closed golf course is an open invitation for exactly the types of social interaction behavior we don't want. In the first week of closure the Club management got to deal with situations like a soccer game taking place on the course. This is a good example of an unintended consequence of closure. We have too few police officers on duty each shift to perform their normal policing duties while trying to respond to calls on the golf course. Under the revised guidance, the Club will have a number of safety officers on the course to ensure that play is done safely with attention to social distancing.

The basic AG rules for golfing are that normal golf operations are shut down. This means the pro-shop, clubhouse, driving range, practice putting green, golf cart rentals, beverage cart, ball washers, rakes in sand traps etc. are closed or removed. The only employees on the course will be safety personnel charged with ensuring that golf play is practicing social distancing. (The ClubCorp standard on social distancing on a golf course is 12 feet, not the CDC guidance of 6 feet.) ClubCorp has written to their General Managers and told them in very clear terms that the rules will be enforced or they will remove members from the course.

Tennis remains closed in Judge Wolff's Supplemental Executive Order. The U. S. Tennis Association has taken the position that tennis play should be suspended until the COVID-19 issue is under control. When part of the sports equipment (the ball)

must be shared among the players, it is not possible to isolate this for individual play. I'm sure this will not make our tennis players happy, but that is where we are on the guidance.

The groundskeepers will maintain the course while we are operating on new rules. The goal is to keep it in good shape for when it fully re-opens.

I heard from a large number of golfers wanting the course re-opened and telling me that they understand the risk and will do their part to maintain social distancing. I challenge all of you to deliver on that commitment and, beyond that, to practice social distancing off the course too. Follow the rules that your General Manager has put out and police each other. Dedie and I drove on some streets that pass through the course Sunday and I am pleased to say that the social distancing rules were being followed.

Water Rights Project

Regarding the lawsuit with Dr. and Mrs. Vincent Caldarola filed in December of 2019 (to stop them from locking the city personnel out of the well and from tampering with the equipment), I can report the suit is proceeding very well. The court has made the injunction permanent until trial. Additionally, the request by the Caldarolas to add to the lawsuit every other property owner in the City who has a well or sanitary control easement on their property was denied. Further, their request to join to the lawsuit some claims they want to make against Bob Weiss and Ralph Fair, Jr. was also denied.

Although the case is currently set for trial in July (COVID-19 notwithstanding), the City has recently filed a motion for summary judgment asking the Court to rule, as a matter of law, that the City owns the well and sanitary control easements. Our attorneys tell us that they are cautiously optimistic about the City's chances of prevailing on this summary judgment motion. If that should happen, no trial to establish the city's right to access and use the well would be necessary. While the Caldarolas could appeal such a ruling, it will be difficult for them to overturn same. The court's decision on the motion will likely be made later in May. The Caldarolas have not filed their response to the motion.

The surveyors have completed most of their field work in redoing the surveys of the wells and sanitary control easements. Subsequent to receiving the surveys, the next steps will be reviewing these documents with the property owners prior to filing them of record. There are a few property owners who have not completed the letters authorizing the surveyors to go on the property to do their work. The City will be going to the Court in the near future to get authorization to enter those properties. The City has the right under common law to have such access.

Tobin Maples, our City Manager, 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. Additionally, our Special Legal Counsel is available to answer questions (Rhonda Jolley at 210-598-5406 or Joe Davis at 210-598-5414).

Ordinance Related to Public Health Emergency

All of us have been inundated with information about the COVID-19 pandemic. I have issued several communications and several videos on this subject specific to our city. As of the time I am writing to you, we have four confirmed cases in Fair Oaks Ranch (2 in Comal, 1 in Bexar, and 1 in Kendall). Three of those cases are still active and one case, thankfully, is in “recovered” status. There are also three additional cases of residents under monitoring in the Bexar County portion of our city.

We have made substantial changes in how we run our city during this time. City Hall is closed to foot traffic to protect our employees’ health so they can continue providing services to you. We have gone to a skeleton crew schedule for our field folks with some of them staying at home when they are off shift. The strategy is to take precautions to ensure that we do not end up with a large part of our workers being sidelined simultaneously with the virus. While at home, employees are performing mandatory on line training courses.

We have gone through multiple Executive Orders from both the Governor and the Bexar County Judge and we have updated our Ordinance to conform. The latest update we did was at the April 16th council meeting. Since we are tied to Bexar County for emergency management, the orders issued by Bexar County Judge Nelson Wolff are binding on us.

Judge Wolff issued Supplemental Executive Order NW-06 on April 17th which has the following provisions:

- All people 10 years of age or older must wear a cloth face covering over their nose and mouth when in a public place where it is difficult to keep six feet away from other people. You can use almost anything that does this including homemade masks and scarfs.
- Food, household staples, and retail exempted businesses are required to only allow up to 25% of their maximum allowed occupancy in their stores at any time.
- Private golf courses are allowed to have golf played in accordance with the guidance issued by the Texas Attorney General. Social distancing must be maintained. Grounds keeping will continue and food sales may continue consistent with the rules for restaurants.

Our Ordinance also keeps tennis courts closed as was mentioned earlier.

Essential Services

One other topic which has been getting lots of comments on social media sites is what constitutes “essential services.” Essential services is a legally defined term

with a specific meaning. All of the businesses which are open in Fair Oaks Ranch meet the legal definition of “essential services” and are operating under prescribed rules. I am sure that all of us have our own personal views of what “essential” means, but our city is obliged to follow the definitions prescribed in the law.

Who Ya Gonna Call? (Not Ghost Busters)

Another topic that is worth a comment is what to do when you see a suspected violation of the social distancing rules that we are currently following. **The correct answer is to dial the non-emergency police number (830-249-8645) and report it.** We will attempt to get a police officer there to deal with the issue before the violators disappear. I’m saying “attempt” on purpose because we have normal policing operations to perform too. We have about 70 miles of streets to patrol and, as you are all aware, we sometimes have serious medical type emergencies to which our officers respond. Every year we end up recognizing several officers for saving a life.

Need to visit with the mayor?

For both legal and practical reasons I conduct correspondence with our residents through my city email account. That account is mayor@fair Oaks Ranch TX.org. If you want to bring something to my attention, that is where you need to write.

Public support for the efforts we are making to slow the spread of COVID-19 has been good on The Ranch and for that I am grateful. Other mayors and elected officials with whom I have spoken have had much more difficult situations.

Who is that masked man?

It might be your mayor. Part of Judge Wolff’s order called for us to wear face coverings in public places like grocery stores. Dedie got me a cloth mask and I have been wearing it in public for a couple of weeks. This is an easy way to help keep us safe and get through this. You don’t have to wear it when exercising, driving in your car, pumping gas, mowing your yard, etc. You should not wear it in places like banks for obvious reasons.

Other Recent Council Actions

At our April 16th council meeting council also approved:

- Signing a Professional Services Agreement with Studio S Architekts for architectural design services to demolish the old police building and construct a new building which will serve double duty as council chambers and as a meeting place for community events. The strategy is to construct a very modest metal building and salvage some of the legacy stone from the old police building for exterior trim. The existing council chamber will be remodeled into office space.
- Signing a Professional Services Agreement with Murfee Engineering Company, Inc. to evaluate new methods for solids handling at our wastewater plant. When the plant capacity was expanded a number of years

ago, no provisions were made to upgrade solids handling. This caused odor issues, resulting in a violation notice from TCEQ several years ago. We implemented hauling off liquid wastes (sludge) as a temporary solution. This is costing about \$350,000 per year and is not an efficient solution. We are hopeful that improved solids handling will allow us to eliminate most of this cost.

- Council also selected cities for benchmarking salaries and benefits in the market survey phase of a compensation study and determined that we would compete at market level.

Economic Issues Related to Coronavirus Pandemic

We all know there are economic consequences from this pandemic and the shutdown of businesses associated with it. Our city is well positioned financially and in terms of conservative staffing to weather this storm.

Our lack of sales tax revenue, which is usually a negative for us financially, is, quite perversely, an advantage to us over other cities that are much more heavily dependent on sources like sales tax and hotel occupancy tax. Additionally, the focus we have placed on building up our operating reserves over the past several years, has positioned us to be able to continue moving forward with many of our plans. Situations like this are exactly why you want to have an operating reserve built up. If you review the staffing data presented with the presentation on the compensation study presented in the last council meeting it is clear we have substantially fewer positions than many cities of our size and complexity.

That being said, we are re-evaluating our strategic plans to determine what we can reasonably implement. We will look, in particular, at our capital projects, to determine what we have both the financial means and the staff bandwidth to absorb.

We will be sensitive to the financial circumstances of our community in developing our taxing and spending plans for the coming year. All of us probably know someone who has lost a job or taken a real hit to their revenue during this difficult time.

I have already co-signed a letter with the Kendall County Judge, the Mayor of Boerne, and the Superintendents of the school districts serving this area urging the Governor to consider leaving tax valuations at last year's level. The valuations are set as of January 1st which is pre-COVID-19. This could result in increased appraised tax values at a time when there is a risk property values will drop. I do not know if we will have any success in this, but this is the right time to be asking the state to show the same type of financial conservatism they have been preaching to cities.

Nonsense on NextDoor

The usual suspects are at it again. Our plan to demolish the old police building and construct a new council chamber/civic center is being portrayed as if we are building a Taj Mahal. Not! Let's talk facts.

Fact #1: We are out of space for employees and have them stacked on top of each other. When I took over as mayor, I moved the mayor office out of the large office with a conference room and into a small office down the hall. Our City Manager, who moved into the larger office, has made good use of the space. He can't use the conference room now because we have two employees housed in there. We also can't use that room for Executive Sessions at council meetings. We have to ask all the residents attending to leave the council chambers.

Fact #2: We are staffed very lean compared to other similar cities. This has shown to be true both in our own comparisons and in the comparisons Ray Associates, Inc. presented at our last council meeting.

Fact #3: What we are proposing to construct is an approximately 3,000 square foot, pre-fabricated metal building faced with salvaged stone harvested from the existing building. This building will cost somewhere around the value of an average residential home in our city. The proposed building will be functional but it will not win a beauty contest against the new Boerne City Hall!

Fact #4: Converting the current city council chamber into offices is a much less expensive alternative to getting more office space than trying to re-purpose the old police building. We have gotten professional opinions on several ways to go at this and the plan we are proposing now is the most economical.

Fact #5: There is a demand for meeting space for civic organizations like Home Owners Associations and for community events like Town Halls that we cannot meet with our existing configuration. Our churches have been very nice to bail us out on this, but that is not the best choice for our growing community.

Fact #6: Configuring this building to be suitable for double duty as a Civic Center makes it eligible for a grant from our Municipal Development District (MDD). If we make a successful grant application, the structure could end up costing our residents nothing in the way of new taxes because MDD has already accumulated more than enough funds to pay for it. I think there is a high probability this will happen.

Providing services to our residents requires employees and attracting and retaining employees requires that you provide reasonable working spaces for them. This is the time for serious fact-based decision making about what is important. There is no practical financial reason why we cannot move forward with a project that is core to providing services to our residents. This particular project is essential to providing services to our residents.

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

There has been no additional advancement on this topic since the last time I wrote to you.

Calling the Hogs!

We have begun the hog trapping operation. Three traps were set up in The Preserve area behind The Arbors in mid-March. After two weeks of baiting, hogs began feeling comfortable around the traps. At the end of the month, the trapper dropped one of the trap doors, capturing one sounder hog along with 10 smaller hogs. In early April, another 14 hogs were captured. All were successfully removed. The trapping operation is continuing. Please stay away from the traps so we can have a successful trapping operation.

You Count!!!

You only count if you complete your CENSUS!! If you have not done your census, please get on line and make it happen. It took Dedie and me about 10 minutes. I hear Shavano Park is leading the pack on completions. Let's get Fair Oaks Ranch in the scoring column too!

Hazardous Waste Disposal

This event which was originally scheduled for Saturday, March 28th from 8:00 am to 11:00 am at the City Hall complex was deferred due to the Declaration of Public Health Emergency. The City is currently working with Republic Services to reschedule the event. We will advise when this event is re-scheduled. Thank you for your patience.

Upcoming City Election Re-scheduled to November 3rd

City Council places 2 and 6 are up for election this year. Mayor Pro-Tem/ Councilman Place 2, Roy Elizondo, has signed up for re-election. Mr. Tim Corley has signed up to run in opposition to Mayor Pro-Tem Elizondo. Councilman Greg Maxton has signed up to run for re-election to Place 6. Councilman Maxton is running unopposed.

Council took action at a special meeting on March 27th to re-schedule the elections for council and the election reauthorizing the levying of local sales and use tax for the maintenance and repair of municipal streets to November 3, 2020.

Backflow Prevention Program Updates

Thanks to all of you who have complied thus far. Please remember that the deadline for initial testing is September 30, 2020. If you have any questions regarding your backflow prevention assembly, please contact the City's Environmental Compliance Manager at 210-698-0900.

Resident Volunteers/City Staffers at Work

- Facebook fans 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. In the last month we reached more than 19,000 people with our posts. Almost 14,000 people reacted to the postings by liking, sharing, or posting them. We have had 124 new page likes and 140 new page followers in the past month. The most popular post was one of the COVID-19 updates which reached 6,101 people.

- A special shout out to Ms. Rina Grona who had the brilliant idea of sending the Easter Bunny around to our younger residents to bring some cheer to this very difficult Easter season. Include the police department in that shout out for making it operational. Rina called me with the idea just a couple of days before Easter and then talked it over with Interim Police Chief Tim Moring. Several of us kicked in contributions to buy the Bunny Suit and Rina posted a Google Maps signup sheet. The police department ended up bringing some cheer to several hundred households. That's how we look out for each other on The Ranch!

Keep up the good work on putting a dent in this terrible pandemic. Keep on supporting our local merchants who are struggling to keep their dreams alive.

Garry Manitzas
Mayor
Fair Oaks Ranch